BENGAL LEGISLATIVE COUNCIL.

President.

The Hon'ble Mr. Satyendra Chandra Mitra, M.L.C.

Deputy President.

Mr. Hamidul Huq Chowdhury, M.L.C.

Secretary to the Council.

Mr. K. N. Majumdar, M.A. (Cantab.), Barrister-at-Law.

Assistant Secretary to the Council.

Mr. S. A. E. Hussain, B.L., Advocate.

PANEL OF CHAIRMEN.

Khan Bahadur Maulvi Abdul Karim, M.L.C.

Dr. Radha Kumud Mookerji, M.L.C.

Maharaja Sir Manmatha Nath Ray Chowdhury Kt., of Santosh, M.L.C.

Mr. J. A. McKerrow, M.L.C.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble Sir JOHN ANDERSON, P.C., G.C.B., G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

The Hon'ble Mr. ABUL KASEM FAZLUL HUQ in charge of the Education Department.

The Hon'ble Mr. NALINI RANJAN SARKER in charge of the Finance Department.*

The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department.

The Hon'ble Sir BIJOY PRASAD SINGH ROY, KT., in charge of the Revenue Department.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of the Department of Agriculture and Industries.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar, in charge of the Department of Communications and Works.

The Hon'ble Mr. HUSEYN SHAHEED SUHRAWARDY in charge of the Department of Commerce and Labour.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur in charge of the Judicial and Legislative Departments.

The Hon'ble Mr. Syed NAUSHER ALI in charge of the Department of Public Health and Local Self-Government.

The Hon'ble Mr. PRASANNA DEB RAIKAT in charge of the Forest and Excise Department.

The Hon'ble Mr. MUKUNDA BEHARI MULLICK in charge of the Co-operative Credit and Rural Indebtedness Department.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

1. Ahamed, Mr. Nur. [Chittagong Muhammadan (Rural).]
2. Ahmad, Mr. Naziruddin. [Burdwan Division Muhammadan (Rural).]
3. Ahmed, Mr. Mesbahuddin. [Bengal Legislative Assembly.]

B

4. Baksh, Mr. Kader. [Bengal Legislative Assembly.]
5. Banerjee, Raj Bahadur Keshab Chandra. [Dacca Division North General (Rural).]
6. Barua, Dr. Arabinda. [Chosen by the Governor.]
7. Bose, Rai Bahadur Manmatha Nath. [Burdwan Division South-West General (Rural).]

C

8. Chakraverti, Mr. Shrish Chandra. [Calcutta General (Urban).]
9. Chaudhury Mr. Moazzemali. [Faridpur Muhammadan (Rural).]
10. Chowdhury, Khan Sahib Abdul Hamid. [Mymensingh West Muhammadan (Rural).]
11. Chowdhury, Mr. Khorshed Alam. [Bakarganj Muhammadan (Rural).]
12. Chowdhury, Mr. Rezzaqul Haider. [Noakhali Muhammadan (Rural).]
13. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
14. Chowdhury, Mr. Humayun Reza. [Rajshahi *cum* Malda Muhammadan (Rural).]
15. Cohen, Mr. D. J. [Chosen by the Governor.]

D

16. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
17. Datta. Mr. Bankim Chandra. [Bengal Legislative Assembly.]
18. Datta, Mr. Narendra Chandra. [Bengal Legislative Assembly.]
19. D'Rozario, Mrs. K. [Chosen by the Governor.]
20. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

E

21. Ellahi, Mr. S. Fazal. [Presidency Division South Muhammadan (Rural).]
22. Esmail, Khwaja Muhammad. [Dacca North-West Muhammadan (Rural).]

G

23. Goswami, Mr. Kanai Lal. [Calcutta Suburbs General (Urban).]

H

24. Haider, Nawabzada Kamruddin. [Bengal Legislative Assembly.]
25. Hosain, Khan Bahadur Saiyed Muazzamuddin. [Bengal Legislative Assembly.]
26. Hossain, Mr. Latafat. [Chosen by the Governor.]
27. Hossain, Mr. Mohamed. [Bengal Legislative Assembly.]
28. Huq, Mr. Syed Muhammad Ghaziul. [Tippera Muhammadan (Rural).]

I

29. Ibrahim, Khan Bahadur Maulvi Mohammad. [Bogra *cum* Malda Muhammadan (Rural).]

J

30. Jan, Khan Bahadur Shaikh Muhammad. [Calcutta and Suburbs Muhammadan (Urban).]

L

31. Kabir, Mr. Humayun. [Bengal Legislative Assembly.]
32. Karim, Khan Bahadur M. Abdul. [Mymensingh East Muhammadan (Rural).]
33. Khan, Khan Bahadur Muhammed Asaf. [Rangpur Muhammadan (Rural).]
34. Khan, Maulana Muhammad Akram. [Bengal Legislative Assembly.]

K

*35. Laidlaw, Mr. W. B. G. [European.]
36. Lamb, Mr. T. [Bengal Legislative Assembly.]

M

7. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-East General (Rural).]
8. McKerrow, Mr. J. A. [European.]
9.* Mitra, The Hon'ble Mr. Satyendra Chandra. [Bengal Legislative Assembly.]
0. Molla, Khan Sahib Subidali. [Bengal Legislative Assembly.]
1. Momin, Begum Hamida. [Chosen by the Governor.]
2. Mookerjee, Mr. Naresh Nath. [Bengal Legislative Assembly.]
3. Mookerji, Dr. Radha Kumud. [Bengal Legislative Assembly.]
4. Mukherji, Rai Bahadur Satis Chandra. [Burdwan Division North-East General (Rural).]

N

5. Nicholl, Mr. C. K. [European.]

O

6. Ormond, Mr. E. C. [Bengal Legislative Assembly.]

P

7. Pal Choudhury, Mr. Ranajit. [Presidency Division General (Rural).]
8. Poddar, Mr. H. P. [Bengal Legislative Assembly.]

R

9. Rahman, Khan Bahadur Ataur. [Presidency Division North Muhammadan (Rural).]
0. Rahman, Mr. Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
1. Rashid, Kazi Abdur. [Dacca South-East Muhammadan (Rural).]
2. Ray, Mr. Nagendra Narayan. [Bengal Legislative Assembly.]
3. Ray Chowdhury, Maharaja Sir Manmatha Nath, Kt., of Santosh. [Bengal Legislative Assembly.]
4. Roy, Rai Bahadur Radhica Bhusan. [Bengal Legislative Assembly.]
5. Roy Chowdhury, Mr. Krishna Chandra. [Chosen by the Governor.]

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* President of the Bengal Legislative Council.

S

56. Sanyal, Mr. Sachindra Narayan. [Bengal Legislative Assembly.]
57. Sarker, Mr. Indu Bhusan. [Dacca Division South General (Rural).]
58. Sen, Rai Sahib Jatindra Mohan. [Rajshahi Division North-West General (Rural).]
59. Shamsuzzoha, Khan Bahadur M. [Bengal Legislative Assembly.]
60. Singh Roy, Mr. Saileswar. [Bengal Legislative Assembly.]
61. Sinha, Rai Bahadur Surendra Narayan. [Bengal Legislative Assembly.]
62. Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. [Bengal Legislative Assembly.]

W

63. Wilmer, Mr. D. H. [Bengal Legislative Assembly.]

THE BENGAL LEGISLATIVE COUNCIL DEBATES

(Official Report of the Second Session.)

Volume II—1937.

Meeting of the Bengal Legislative Council and the Bengal Legislative Assembly, assembled together under the provisions of sub-section (1) of section 63 of the Government of India Act, 1935.

THE BENGAL LEGISLATIVE COUNCIL AND THE BENGAL LEGISLATIVE ASSEMBLY met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 29th July, 1937, at 3 p.m.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) presided.

Two hundred and forty-two members of both Chambers were present.

His Excellency addressed the Members of the Legislature as follows:—

MR. PRESIDENT, MR. SPEAKER AND MEMBERS OF THE BENGAL LEGISLATURE,—

Before your respective Chambers meet for the formal transaction of business, and before the stress and strain of the ensuing session comes upon you to demand your undivided attention, I have taken this opportunity as the representative in this Province of His Majesty the King-Emperor to welcome you here assembled together and to wish you God speed in your labours.

I am speaking to you at the beginning of what I trust will be a period of fruitful and continuous political development—and, if I may express a personal opinion, I think the pace of that development will be determined in practice not by the pronouncements of any formal tribunal but by the actual course of history now in the making in India.

Addressing you as I do for the first, and in all probability the last time, I am fully conscious that some special significance may be attached to what I omit to say no less than to what I may say on this occasion. Let me then tell you at once that though circumstances might arise in which it would be appropriate—and perhaps necessary—for a Governor in addressing the legislature to make a declaration of the policy of the Provincial Executive—this present occasion does not in my judgment call for any such pronouncement.

A declaration of policy might be called for either upon the request of Ministers or by some necessity on the part of the Governor himself to make his own position clear in relation to a particular matter; in the matters that are likely to come before you during the present session my Ministers will themselves present before you and justify the policy that they intend to follow—and I am happy to say that I see no reason to anticipate the operation of any contingent responsibility of mine in such a manner as to require or justify an independent statement of my own position in relation to any act or proposal of the Executive Government.

Parliamentary practice at Westminster has accustomed us to the conception of the King's speech as the vehicle for a general declaration by the Ministry of their legislative and general programme for the session. In reply to that speech a loyal Address is presented, and with that genius for illogical adaptation of historic forms to modern uses that characterises so much of the constitution of the United Kingdom, the debate on that Address has come to be regarded as the proper occasion for the opposition to formulate their criticisms of the proposals of Government and to expound their own views.

Here in India the position is different: the Governor in addressing the legislature does so not upon the responsibility of his Ministers but by virtue of a statutory right vested in himself. I have no intention on this occasion of taking advantage of an address, the terms of which cannot be thrown open to general debate, to refer in a controversial spirit to matters which must of necessity be the subject of keen debate in both of your Houses—debate in which it will be for my Ministers to justify the courses which with a full sense of their responsibilities they intend to pursue.

You may infer from this that there is no matter of ministerial policy likely to be laid before you in which I have felt called upon in the discharge of any responsibility vested in me to be guided otherwise than by the advice of my Ministers.

There are however matters of constitutional interest with which I might appropriately deal. The first of these touches indirectly upon a question which, as I fully realize, has its acutely controversial aspects—the question of the Bengal detenus. I do not propose to deal with

the controversial aspects of that question but I feel that you are entitled to know from me not the policy that my Government intend to pursue, but the manner in which I view in general my own special responsibilities in this matter and the respective parts that Ministers and the Governor may be called upon to play in approaching a question of that nature.

I think I can state the matter very simply without sacrifice either of clarity or of precision. Under section 52 of the Government of India Act the Governor has a special responsibility for the prevention of any grave menace to peace and tranquillity. But, as I have already said at Dacca, this special responsibility in no degree ousts or undermines the primary responsibility that rests on Ministers. If a Ministry were to say that they recognised no responsibility for preventing a grave menace to peace or tranquillity, would any electorate or legislature wish to see them remain in office? The responsibility which rests upon Ministers in this matter, like many other responsibilities which are theirs, is not specifically defined in the Act simply because it is inherent in the very conception of that responsible Government which the Act confers.

This then is a case in which Ministers are called upon to discharge their responsibility to the Province. The problem is a complicated matter of long standing which they have had to examine conscientiously and minutely. It had none of the elements of grave and sudden emergency which would justify a Governor in seeking to impose a rigid time-limit within which he might require the advice of Ministers. In a matter of this kind it is only when their examination of the problem has been completed and they have made up their minds at least provisionally as to the advice they propose to tender—it is only then that the Governor becomes entitled to claim as a matter of constitutional right that his view of the precise policy to be pursued should be heard and considered before a decision is promulgated. In fact when that stage was reached in relation to this particular question it was clear that I should not be called upon to take a view of my responsibilities different from that which Ministers took of theirs.

But you are entitled to know what would happen in a case of this kind if a conflict, which in spite of all efforts on both sides proved irreconcilable, were unfortunately to arise. In that unhappy event, which I refuse to contemplate as within the region of probability, the Governor's view would undoubtedly prevail, subject to his ultimate responsibility to Parliament. Ministers would thereupon become entitled to make a public statement of their position showing the extent of the conflict and how it had arisen. That is a state of things which, arising on an issue of such intrinsic importance, I should regard as a great public misfortune and which I would certainly strain every effort to avert. It would be a misfortune in its constitutional reactions. It

would be no less a misfortune, I would venture to observe, from the standpoint of all those of whatever political persuasion who are anxious to see normal conditions restored as speedily as possible throughout the Province. For it is clear that a sustained and reasoned policy involving no independent action by the Governor and no divergence of opinion between Ministers themselves—a policy moreover in the pursuit of which Ministers in the discharge of their duty to the Province may justifiably appeal for the co-operation of prudent men among all sections of the community—it is clear that such a policy can achieve far more and achieve it more swiftly and more successfully without risk of adverse reactions than would be possible if the attempt at appeasement were so far to miscarry as to be itself a cause of tension and discord. I will not elaborate further. I plead for good-will and a sympathetic understanding on the part of all who may be called upon to pronounce a responsible judgment in this grave matter.

I would only add with all earnestness and humility that I should be a happy and proud man if after five and a half strenuous and difficult years I could leave the shores of India with the confident belief that the time was not far distant when this Province of Bengal would no longer present any of the unenviable features which for more than a generation have distinguished it from other Provinces in India.

I pass now to other topics. You will shortly have laid before you by the Finance Minister the budget for the current financial year: that budget will include provision for the amounts already expended in carrying on the administration since the 1st of April last and for expenditure required to carry on existing services during the remainder of the financial year, as well as for certain items of new expenditure indicative so far as they go of the immediate programme of the Bengal Ministry. There will also be laid before you legislative measures dealing with matters of far reaching importance. In this connection and at this moment, addressing you as I do for the first time, I cannot but be struck by the profound change that has come about in my own position as Governor with respect to these matters. On previous occasions when I have addressed the Provincial Legislature I have done so as a Governor who had had to take his share of direct personal responsibility for every measure, financial or legislative, promoted by his Government in the legislature. In the field of what were known as reserved departments the Governor had an active responsibility for the decisions of the Governor in Council: in what were called the transferred departments, however much in practice he might be guided by the advice of Ministers, the decision was constitutionally his: empowered as he was under the Act now repealed to overrule his Ministers at his discretion in any matter, he shared in theory and in fact the responsibility for their decisions. Hereafter Ministers will be solely responsible to the representatives of the people for every legislative measure that may be submitted by Government for enactment

in either of the Chambers assembled here to-day. That statement, which I make without qualification, I believe to be absolutely true and it is in my view an accurate index of the extent to which responsibility has been transferred from the Governor to a representative Ministry.

In the region of finance, always the touch-stone of popular control, responsibility under the previous constitution vested in the Governor in Council whether the expenditure was to be made under the direction of a Minister or under that of an Executive Councillor: in other words Finance was a reserved subject. Under the present constitution that responsibility for finance vests in Ministers: formerly the Governor in the exercise of a personal responsibility gave or withheld his prior consent to every measure introduced by any member of the Legislative Council which affected the finances of the Province: in now giving or withholding that consent the Governor personally has no greater voice than he has in the initiation of the policy for which the expenditure is to be provided.

I know of no financial provision likely to be laid before you for which the Governor in his discretion is responsible other than that required for certain salaries provisionally fixed pending their determination by the Legislature, for the administration of the Chittagong Hill Tracts, for the Public Service Commission and for the conduct of my own secretarial business—matters which under the constitution fall outside the range of Ministerial responsibility. As regards the provision for matters in which the Governor is required to exercise his individual judgment what I have said at an earlier stage of this address will have made the position clear.

There are, it is true, items of expenditure charged on the revenues, for which Ministers equally with the Governor are bound to make provision: the obligation may arise either from the Constitution Act itself or from legislation that you yourselves may pass: but in respect of those matters, unless and until the contrary is stated, the Governor has no responsibility separate from that of his Ministers.

Members of the Assembly, before I leave the topic of finance I may perhaps appropriately invite your attention to a change in the rules and standing orders relating to financial procedure which will, I think, be of considerable interest to yourselves. The effect of that change is that there are now only two time-limits to discussion of demands for grants. There is one limit of 15 days in all set apart for the discussion of the demands for grants: the other limit is that of 2 days which is the maximum time that can be devoted to discussion of any one grant: the former power of the Governor to allocate a specific period, frequently in practice brief, for each grant has disappeared and the result is that, subject only to the limits to which I have referred, the control of the time that shall be given up to the discussion of particular demands is

transferred from Government to the critics of Government. The chang is intentional and the modified procedure represents a fairly clo approximation to the practice of the House of Commons: it has bee adopted in the hope of facilitating that responsible and discriminatin criticism which in relation to the business of supply is one of the mo important functions of a constitutional opposition.

There is one further matter which it may be worth while to mention it is not I think without constitutional interest and significance Under the new Act the Governor as representative of the Sovereig becomes for the first time himself a part of the legislature. There i in fact a new legislative partnership established here, to correspon with that already existing in the United Kingdom and in every one o the great overseas Dominions of the Crown, between the Sovereig and the two Chambers of the legislature. It is in this capacity, i believe, and not in his capacity as the titular head of the Executiv Government that the Governor is entrusted with certain of his discretionary powers: and it is in this capacity that the Governor, when assenting to legislation, will do so in His Majesty's name. There is one departure however from the model of Westminster which may be noticed and which is perhaps the more significant because it is a departure also from the scheme of the previous Act. In England the Speaker upon election submits himself for the approbation of the Sovereign. In India too under the Act now repealed the selection of the President of a Provincial Legislature required the approval of the Governor. That requirement no longer obtains. In practice it may make little or no difference for it is difficult to conceive circumstances in which that approval would be withheld: in England during the course of several centuries there has been I believe only one such instance. Nevertheless I feel tempted to recall the fact that at Westminster the newly elected Speaker invariably takes occasion after receiving approval of his appointment to address to the Sovereign on behalf of the Commons a plea, in words that have history behind them, but none the less retain significance in these modern days, "that the most favourable construction shall be put upon all their proceedings": recalling this time-honoured formula I cannot help feeling a twinge of perhaps purely sentimental regret that occasion for the utterance and the acceptance of such a plea should not have been provided here. That formula seems to me to sum up the relationship of mutual respect and understanding upon which the foundations of democratic Government have been laid. But whether we utter that formula or not, surely it is not too much to hope that relations between the various organs of the State in an Indian Province and between community and community and class and class may some day be governed in the spirit of that formula by a readiness on the part of each to place the most favourable construction upon the proceedings of the others. We are engaged in making a great experiment in democracy, an experiment in which many

d us place high hopes. If the spirit to which I have referred prevails, feel sure that sooner or later the experiment will be acknowledged o have been completely successful. I am on the other hand equally ure that democracy nourished on envy, hatred, malice or any other orm of uncharitableness can never thrive in any part of the world. Vith these words I take leave of you, praying that Divine Providence ay guide and direct your deliberations. (Prolonged applause.)

His Excellency then left the Legislative Chamber in procession.

Council members present:

The following members of the Bengal Legislative Council were present at the joint sitting held on the 29th July, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Banerjee, Rai Bahadur Keshab Chandra.
(6) Barua, Dr. Arabinda.
(7) Bose, Rai Bahadur Manmatha Nath.
(8) Chaudhury, Mr. Moazzemali.
(9) Chowdhury, Khan Sahib Abdul Hamid.
(10) Chowdhury, Mr. Khorshed Alam.
(11) Chowdhury, Mr. Rezzaqul Haider.
(12) Chowdhury, Mr. Humayun Reza.
(13) Cohen, Mr. D. J.
(14) Datta, Mr. Narendra Chandra.
(15) D'Rozario, Mrs. K.
(16) Dutta, Mr. Kamini Kumar.
(17) Ellahi, Mr. S. Fazal.
(18) Esmail, Khwaja Muhammad.
(19) Goswami, Mr. Kanai Lal.
(20) Haider, Nawabzada Kamruddin.
(21) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(22) Hossain, Mr. Latafat.
(23) Hossain, Mr. Mohamed.
(24) Huq, Mr. Syed Muhammad Ghaziul.
(25) Ibrahim, Khan Bahadur Maulvi Mohammad.
(26) Kabir, Mr. Humayun.
(27) Karim, Khan Bahadur M. Abdul.
(28) Khan, Khan Bahadur Muhammed Asaf.
(29) Khan, Maulana Muhammad Akram.
(30) Laidlaw, Mr. W. B. G.
(31) Lamb, Mr. T.
(32) Maitra, Rai Bahadur Brojendra Mohan.
(33) McKerrow, Mr. J. A.
(34) Molla, Khan Sahib Subidali.
(35) Momin, Begum Hamida.
(36) Mukherji, Rai Bahadur Satis Chandra.
(37) Nicholl, Mr. C. K.
(38) Ormond, Mr. E. C.
(39) Rahman, Khan Bahadur Ataur.
(40) Rahman, Mr. Mukhlesur.
(41) Rashid, Kazi Abdur.

(42) Ray, Mr. Nagendra Narayan.
(43) Ray Chowdhury, Maharaja Sir Manmatha Nath, Kt., of Santosh.
(44) Roy, Rai Bahadur Radhica Bhusan.
(45) Roy Chowdhury, Mr. Krishna Chandra.
(46) Sanyal, Mr. Sachindra Narayan.
(47) Sarker, Mr. Indu Bhusan.
(48) Sen, Rai Sahib Jatindra Mohan.
(49) Shamsuzzoha, Khan Bahadur M.
(50) Singh Roy, Mr. Saileswar.
(51) Sinha, Rai Bahadur Surendra Narayan.
(52) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
(53) Wilmer, Mr. D. H.

Council members absent:

The following members of the Bengal Legislative Council were absent from the joint sitting held on the 29th July, 1937:—

(1) Chakraverti, Mr. Shrish Chandra.
(2) Chowdhury, Mr. Hamidul Huq.
(3) Das, Mr. Lalit Chandra.
(4) Datta, Mr. Bankim Chandra.
(5) Jan, Khan Bahadur Shaikh Muhammad.
(6) Mookerjee, Mr. Naresh Nath.
(7) Mookerji, Dr. Radha Kumud.
(8) Pal Choudhury, Mr. Ranajit.
(9) Poddar, Mr. H. P.

Assembly members present:

The following members of the Bengal Legislative Assembly were present at the joint sitting held on the 29th July, 1937:—

(1) Abdul Aziz, Maulana Md.
(2) Abdul Bari, Maulvi.
(3) Abdul Hafeez, Khan Bahadur Syed.
(4) Abdul Hafiz, Mr. Mirza.
(5) Abdul Hafiz Mia, Mr.
(6) Abdul Hakeem, Mr.
(7) Abdul Hakim, Maulvi.
(8) Abdul Hakim Vikrampuri, Mr. Md.
(9) Abdul Hamid, Mr. A. M.
(10) Abdul Hamid Shah, Maulvi.
(11) Abdul Jabbar, Maulvi.
(12) Abdul Jabbar Palwan, Mr. Md.
(13) Abdul Kader, Mr.
(14) Abdul Karim, Mr.
(15) Abdul Latif Biswas, Maulvi.
(16) Abdul Majid, Maulvi.
(17) Abdul Majid, Mr. Syed.
(18) Abdul Wahab Khan, Mr.
(19) Abdul Wahed, Maulvi.
(20) Abdulla-al Mahmood, Mr.
(21) Abdur Rahman, Khan Bahadur A. F. M.
(22) Abdur Raschid Mahmood, Mr.
(23) Abdur Rasheed, Maulvi Md.
(24) Abdur Rauf, Khan Sahib Maulvi S.
(25) Abdur Rauf, Mr. Shah.
(26) Abdur Razzak, Maulvi.
(27) Abdus Shaheed, Maulvi Md.
(28) Abidur Reza Chowdhury, Khan Bahadur.
(29) Abu Hossain Sarkar, Maulvi.
(30) Abul Fazal, Mr. Md.
(31) Abul Hashim, Maulvi.
(32) Abul Hosain, Mr. Ahmed.
(33) Abul Quasem, Maulvi.
(34) Acharyya Chowdhury, Maharaja Sashi Kanta of Muktagacha, Mymensingh.
(35) Aftab Ali, Mr.
(36) Aftab Hosain Joardar, Maulvi.
(37) Ahmed Ali, Khan Sahib Maulana Enayetpuri.
(38) Ahmed Ali Mridha, Maulvi.
(39) Ahmed Hosain, Mr.
(40) Ahmed Kabir Choudhury, Maulvi.

(41) Ahmed Khan, Mr. Syed.
(42) Alfazuddin Ahmed, Khan Bahadur.
(43) Aminullah, Maulvi.
(44) Amir Ali, Md. Mia.
(45) Armstrong, Mr. W. L.
(46) Ashrafali, Mr. M.
(47) Asimuddin Ahmed, Mr.
(48) Aulad Hossain Khan, Maulvi.
(49) Azhar Ali, Maulvi.
(50) Bennerman, Mr. H. C.
(51) Barat Ali, Mr. Md.
(52) Barma, Babu Premhari.
(53) Barma, Mr. Puspajit.
(54) Barman, Babu Shyama Prosad.
(55) Barman, Babu Upendra Nath.
(56) Basu, Babu Jatindra Nath.
(57) Biswas, Babu Lakshmi Narayan
(58) Campbell, Sir George, Kt.
(59) Chippendale, Mr. J. W.
(60) Clark, Mr. I. A.
(61) Cooper, Mr. C. G.
(62) Crossfield, Mr. L. M.
(63) Das, Mr. Anukul Chandra.
(64) Das, Mr. Kirit Bhusan.
(65) Das, Mr. Monmohan.
(66) Dass, Babu Debendra Nath.
(67) Edbar, Mr. Upendranath.
(68) Farhad Raza Chowdhury, Mr. M.
(69) Farhut Bano Khanam, Begum.
(70) Faroqui, Nawab Sir Mohiuddin, Kt., of Ratanpur.
(71) Fazlul Huq, the Hon'ble Mr. A. K.
(72) Fazlul Qadir, Khan Bahadur Maulvi.
(73) Fazlur Rahman, Mr.
(74) Fazlur Rahman Muktear, Mr.
(75) Ferguson, Mr. R. H.
(76) Gammeter, Mr. E. O.
(77) Giasuddin Ahmed, Mr.
(78) Giasuddin Ahmed Choudhury, Mr.
(79) Golam Sarwar Hosaini, Mr. Shah Syed.
(80) Gomes, Mr. S. A.
(81) Griffiths, Mr. C.
(82) Gupta, Mr. J. N.
(83) Gurung, Mr. Damber Singh.
(84) Habibullah, the Hon'ble Nawab Bahadur K., of Dacca
(85) Hafizuddin Chowdhury, Maulvi.

(86) Hamiduddin Ahmad, Khan Sahib.
(87) Hasan Ali Chowdhury, Mr. Syed.
(88) Hasanuzzaman, Maulvi Md.
(89) Hashem Ali Khan, Khan Bahadur.
(90) Hasina Murshed, Mrs.
(91) Hatemally Jamadar, Khan Sahib.
(92) Haywood, Mr. Rogers.
(93) Hendry, Mr. David.
(94) Hirtzel, Mr. M. A. F.
(95) Idris Ahmed Mia, Mr.
(96) Ispahani, Mr. M. A. H.
(97) Jalaluddin Ahmad, Khan Bahadur.
(98) Jalaluddin Hashemy, Mr. Syed.
(99) Jasimuddin Ahmed, Mr.
(100) Jonab Ali Majumdar, Maulvi.
(101) Kabiruddin Khan, Khan Sahib.
(102) Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
(103) Khaitan, Mr. Debi Prosad.
(104) Kundu, Mr. Nishitha Nath.
(105) Mafizuddin Ahmed, Dr.
(106) Mafizuddin Chowdhury, Maulvi.
(107) Maguire, Mr. L. T.
(108) Mahtab, Maharajkumar Uday Chand.
(109) Mahtabuddin Ahmed, Khan Bahadur.
(110) Mandal, Mr. Amrita Lal.
(111) Mandal, Mr. Banku Behari.
(112) Mandal, Mr. Birat Chandra.
(113) Mandal, Mr. Jagat Chandra.
(114) Mandal, Mr. Jogendra Nath.
(115) Mandal, Mr. Krishna Prasad.
(116) Maniruddin Akhand, Maulvi.
(117) Maniruzzaman Islamabadi, Maulana Md.
(118) Maqbul Hosain, Mr.
(119) Masud Ali Khan Panni, Maulvi.
(120) Miles, Mr. C. W.
(121) Millar, Mr. C.
(122) Milne-Robertson, Mr. C. E. L.
(123) Mohsin Ali, Mr. Md.
(124) Mookerjee, Mr. Syamaprasad.
(125) Morgan, Mr. G., C.I.E.
(126) Moslem Ali Mollah, Maulvi.
(127) Mozammel Huq, Maulvi Md.
(128) Muhammad Afzal, Khan Sahib Maulvi Syed.
(129) Muhammad Ali, Khan Bahadur.
(130) Muhammad Ibrahim, Maulvi.

(131) Muhammad Ishaque, Maulvi.
(132) Muhammad Israil, Maulvi.
(133) Muhammad Solaiman, Mr.
(134) Mukherjee, Mr. B.
(135) Mukherji, Dr. H. C.
(136) Mullick, the Hon'ble Mr. Mukunda Behary.
(137) Mullick, Mr. Pulin Behary.
(138) Musharruf Hosain, the Hon'ble Nawab, Khan Bahadur.
(139) Mustagaswal Haque, Mr. Syed.
(140) Mustufa Ali Dewan Sahib, Mr.
(141) Nandy, the Hon'ble Maharaja Srischandra, of Kasimbazar.
(142) Nasarullah, Nawabzada K.
(143) Nasker, Mr. Hem Chandra.
(144) Nausher Ali, the Hon'ble Mr. Syed.
(145) Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
(146) Nimoo, Mr. T. R.
(147) Nooruddin, Mr. K.
(148) Paul, Sir Hari Sanker, Kt.
(149) Pramanik, Mr. Tarinicharan.
(150) Rahman, Khan Bahadur A. M. L.
(151) Raikat, the Hon'ble Mr. Prasanna Deb.
(152) Rajibuddin Tarafdar, Maulvi.
(153) Ramizuddin Ahmed, Mr.
(154) Ray Choudhury, Mr. Birendra Kishore.
(155) Razaur Rahman Khan, Mr.
(156) Ross, Mr. J. B.
(157) Roy, Babu Patiram.
(158) Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
(159) Roy, Kumar Shib Shekhareswar.
(160) Roy, Mr. Dhananjoy.
(161) Roy, Rai Bahadur Kshirod Chandra.
(162) Sadaruddin Ahmed, Mr.
(163) Safiruddin Ahmed, Haji.
(164) Salim, Mr. S. A.
(165) Sanaullah, Al-Haj Maulana Dr.
(166) Sarkar, Babu Madhusudan.
(167) Sarker, the Hon'ble Mr. Nalini Ranjan.
(168) Sassoon, Mr. R. M.
(169) Sen, Rai Bahadur Jogesh Chandra.
(170) Serajul Islam, Mr.
(171) Shahabuddin, Mr. Khwaja.
(172) Shahedali, Mr.
(173) Shamsuddin Ahmed, Mr. M.
(174) Shamsuddin Ahmed Khandkar, Mr.
(175) Shamsul Huda, Maulana.

(176) Singha, Babu Kshetra Nath.
(177) Sirdar, Babu Litta Munda.
(178) Steven, Mr. J. W. R.
(179) Suhrawardy, the Hon'ble Mr. H. S.
(180) Tamizuddin Khan, Maulvi.
(181) Thakur, Mr. Pramatha Ranjan.
(182) Tofel Ahmed Choudhury, Maulvi Haji.
(183) Waliur Rahman, Maulvi.
(184) Walker, Mr. J. R.
(185) West, Mrs. Ellen.
(186) Wordsworth, Mr. W. C.
(187) Yousuf, Mirza.
(188) Yusuf Ali Choudhury, Mr.
(189) Zahur Ahmed Choudhury, Mr.

Assembly members absent:

The following members of the Bengal Legislative Assembly were absent from the joint sitting held on the 29th July, 1937:—

(1) Abdur Rahman Siddiqi, Mr.
(2) Banerjee, Dr. Suresh Chandra.
(3) Banerjee, Mr. P.
(4) Banerjee, Mr. Pramatha Nath.
(5) Banerjee, Mr. Sibnath.
(6) Banerji, Mr. Satya Priya.
(7) Bannerjee, Mr. Manoranjan.
(8) Basu, Mr. Santosh Kumar.
(9) Bhowmik, Dr. Gobinda Chandra.
(10) Biswas, Mr. Rasik Lal.
(11) Biswas, Mr. Surendra Nath.
(12) Bose, Mr. Sarat Chandra.
(13) Brasher, Mr. F. C.
(14) Chakrabarty, Babu Narendra Narayan.
(15) Chakrabarty, Mr. Jatindra Nath.
(16) Chattopadhyay, Babu Haripada.
(17) Chaudhuri, Rai Harendra Nath.
(18) Das, Babu Mohim Chandra.
(19) Das, Babu Radhanath.
(20) Das Gupta, Babu Khogendra Nath.
(21) Das Gupta, Dr. J. M.
(22) Das Gupta, Mr. Narendra Nath.
(23) Datta, Mr. Dhirendra Nath.
(24) Dolui, Mr. Harendra.
(25) Dutta, Mr. Sukumar.
(26) Dutta Gupta, Miss, Mira.
(27) Dutta Mazumdar, Mr. Niharendu.
(28) Emdadul Haque, Kazi.
(29) Ghose, Mr. Atul Krishna.
(30) Goswami, Mr. Tulsi Chandra.
(31) Gupta, Mr. Jogesh Chandra.
(32) Hamilton, Mr. K. A.
(33) Himatsingka, Mr. Prabhudayal.
(34) Khan, Mr. Debendra Lall.
(35) Kumar, Mr. Atul Chandra.
(36) MacLauchlan, Mr. C. S.
(37) Maiti, Mr. Nikunja Behari.
(38) Maitra, Mr. Surendra Mohan.
(39) Maji, Mr. Adwaita Kumar.
(40) Majumdar, Mrs. Hemaprova.
(41) Mazumdar, Mr. Birendra Nath.

(42) Mal, Mr. Iswar Chandra.
(43) Muhammad Siddique, Dr. Syed.
(44) Mookerji, Mr. Dhirendra Narayan.
(45) Mukherji, Dr. Sharat Chandra.
(46) Mullick, Srijut Ashutosh.
(47) Pain, Mr. Barada Prosanna.
(48) Patton, Mr. W. C.
(49) Roy, Mr. Charu Chandra.
(50) Roy, Mr. Kamal Krishna.
(51) Roy, Mr. Kiran Sankar.
(52) Roy, Mr. Kishori Pati.
(53) Roy, Mr. Manmatha Nath.
(54) Sanyal, Dr. Nalinaksha.
(55) Sanyal, Mr. Sasanka Sekhar.
(56) Sen, Babu Nagendra Nath.
(57) Sinha, Srijut Manindra Bhusan.
(58) Sur, Mr. Harendra Kumar.
(59) Tapuriah, Rai Bahadur Moongtu Lall.
(60) Zaman, Mr. A. M. A.

The Bengal Legislative Council Debates.

(Official Report of the Second Session.)

Volume II—1937.

The Bengal Legislative Council.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 30th July, 1937, at 6 p.m., being the first day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty Members and eleven Ministers were present.

QUESTIONS AND ANSWERS

Bengal Legislative Council Office.

1. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state why a separate department for the Bengal Legislative Council like that of Bengal Legislative Assembly has not yet been separately established?

(*b*) Is the Hon'ble Minister not aware of the existence of a strong public feeling that the office of the Legislature should not in any way be under the control of any administrative department of the Government?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) The principle has been accepted that there should be a separate Council Department and I will shortly proceed to examine the question in detail in the light of experience of actual requirements obtained during the current session. Whatever rules may be framed in respect of the conditions of service of the staff, there can be no question of their coming under the control of any administrative department of Government in regard to the discharge of their duties.

Settlement of land in Feni.

2. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if in the town of Feni in the district of Noakhali, the Government fallow land lying to the west of the Dacca-Chittagong

Trunk Road is being settled with persons on rent and on payment of premium;

(*b*) if adjacent to a portion of this land stand a temple of goddess Kali and a mosque;

(*c*) if both the committees of the temple and the mosque applied early last year for settlement of the land in their respective fronts without payment of premium;

(*d*) if so, did the local officer approve of the proposal of letting the land in front of the mosque without premium but rejected the proposal of the Kalibari Committee?

(*e*) if the Hon'ble Minister is aware that this differential treatment has deeply wounded the feelings of the Hindus; and

(*f*) does the Hon'ble Minister contemplate to allow also the proposal of the Kalibari Committee for taking lease of the land in front of the temple free of premium?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*), (*b*) and (*c*) Yes.

(*d*), (*e*) and (*f*) There has been no differential treatment. Orders have been passed that both the Kalibari Committee and the Mosque Committee are to be granted settlement free of *salami*.

Assault on boys of Noapara High English School.

3. **Mr. LALIT CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Jagneswar Pandah, Havildar, and Alam Bari, Assistant Sub-Inspector of Police, District Intelligence Branch, are both attached to the Military Camp at Noapara in the district of Chittagong?

(*b*) Is it a fact that the said officers some time in March last entered class VII of the Noapara High English School without obtaining the permission of the Head Master and ordered the boys of that class to call at the Camp with their guardians?

(*c*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state whether there is any rule or law which empowered the said officers to enter the school without permission or to order the boys to call at the Camp?

(*d*) Is it a fact that some of the boys who turned up at the said Military Camp, were assaulted resulting in injuries to their person?

(*e*) If the answer to (*d*) be in the affirmative, will the Hon'ble Minister be pleased to state who were the officers and men concerned in the said assault and whether any steps have been taken against them?

(*f*) If the answer to (*e*) be in the affirmative, will the Hon'ble Minister be pleased to state against whom and what has been the nature of steps taken?

(*g*) Is it the intention of Hon'ble Minister to withdraw the Military pickets from Noapara in view of what has happened?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) There are no Military Camps in the rural areas of the district, but there is a temporary police outpost at Noapara to which officiating Assistant Sub-Inspector Alam Bari and constable Nageswar Pande were attached.

(*b*) and (*c*) On the 3rd March, 1937, constable Nageswar Pande went to the Noapara High English School and reported to the teacher of class VII that certain boys of that class had thrown liquid lime on him. He ordered the boys to attend the police outpost with their guardians the next morning. There is no rule or law under which the constable was empowered to act in this manner in this particular case.

(*d*), (*e*) and (*f*) A case of assault was reported to the District Magistrate who ordered a senior Police Inspector to make a full enquiry into the matter. The report of the enquiry officer showed that *prima facie* a charge of assault was established against Assistant Sub-Inspector Alam Bari and constable Nageswar Pande. Accordingly the District Magistrate requested the Head Master to file a complaint before the Subdivisional Officer, but the school authorities having regard to the delay in making the first report and also to the trouble involved in prosecuting a case in court, asked for departmental action as a result of which the Assistant Sub-Inspector was dismissed and the constable severely punished.

(*g*) The question does not arise as there is no Military Camp at Noapara. As for the temporary police outpost there, it cannot be withdrawn as it is necessary in the public interest and there is a demand for it from the local inhabitants.

Mr. LALIT CHANDRA DAS: What was the nature of the punishment that was given to the Constable?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Ministerial appointment, Registration Department.

4. **Mr. KRISHNA CHANDRA ROY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether—

(*i*) the vacancies in the ministerial establishments of the Registration Department are filled up according to the instructions laid down in paragraph 310 (*a*) of the Bengal Registration Manual, 1928;

(*ii*) a register is maintained in Form No. 4 in Appendix V of the Registration Manual for the purposes of selection of candidates from among the deserving extra copyists;

(*iii*) this register is kept from year to year showing the continuous period of employment of the extra copyists;

(*iv*) in the "Remarks" column in the said register entries should be carefully noted regarding the extra copyists on the following points:—

(*1*) quality and quantity of work done,

(*2*) the handwriting is neat, fair or bad,

(*3*) carefulness, capacity for work, regularity in attendance and general conduct, and

(*4*) fit for permanent employment or not; and

(*v*) this register is kept to ascertain the efficiency of the employees?

(*b*) If the answers to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state whether such a register is kept in the Calcutta Registration Office?

(*c*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing the names of extra copyists of the Calcutta Registration office together with their dates of appointment and the particulars against each of them as set forth in (*a*) (*iv*)?

(*d*) Will the Hon'ble Minister be pleased to state whether the departmental examinations are held for all probationers and Sub-Registrars appointed direct to the higher grade in accordance with the terms of paragraph 312 of the Registration Manual?

(*e*) Is it a fact that the Registrar of Assurances, Calcutta, held a departmental examination in September, 1936, for the purpose of filling up vacancies in the ministerial establishment?

(*f*) If so, has he not violated the provisions of paragraphs 310 (*a*) and 312 of the Registration Manual?

(*g*) If the answer to (*f*) be in the affirmative, will the Hon'ble Minister be pleased to state whether he proposes to treat the examination as cancelled?

(*h*) If not, why not?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) Yes, provided candidates with suitable qualifications are available among the extra *muharrirs*.

(*ii*) to (*v*) Yes.

(*b*) Yes.

(*c*) The statement called for is placed on the table.

(*d*) and (*e*) Yes.

(f) No. As vacancies in clerical establishments of registration ices are ordinarily filled up by selection of candidates from among serving extra copyists of a district, such selections may best be made holding an examination of the candidates with a view to test their neral knowledge and fitness for clerical work. The mode of selecon is a matter of discretion with the appointing authority. This is accordance with present rules which are subject to alteration if cessary.

(g) and (h) In view of the reply to (f) above, these questions do t arise.

Statement referred to in the answer to question No. 4.

IST OF EXTRA COPYISTS WORKING IN THE CALCUTTA REGISTRY OFFICE.

	Names.	Date of appointment.	Educational qualification.	Whether fit for permanent appointment.
1.	Anutap Ch. Ghose ..	22-5-1912	Nil	No.
2.	Surendra Nath Mallick ..	4-2-1915	Nil	No.
3.	Shasi Bhusan Bose ..	19-3-1917	Passed entrance	No.
4.	Purna Chandra Palit ..	20-3-1917	Nil	No.
5.	Atul Krishna Roy ..	10-4-1917	Non-Matric ..	No.
6.	Priya Ranjan Bose ..	1-8-1920	Ditto ..	No.
7.	Sachindra Nath Ghose ..	18-9-1922	Ditto ..	No.
8.	Satish Chandra Ghosal ..	18-9-1922	Ditto ..	No.
9.	Khetra Mohan Ghose ..	5-6-1925	Ditto ..	No.
10.	Syed Golam Wahid ..	15-6-1925	Ditto ..	No.
11.	Kartic Chandra Das ..	13-7-1929	Matric ..	Yes.
12.	Ashutosh Hait ..	22-7-1929	Non-Matric ..	No.
13.	Md. Mafizuddin Biswas ..	3-12-1930	Matric ..	Yes.
14.	Riazuddin Mollah ..	4-12-1930	Ditto ..	Yes.
15.	Sunil Kumar Gupta ..	2-3-1931	Ditto ..	Yes.
16.	Anath Bandu Banerjea ..	19-3-1931	Ditto ..	Yes.
17.	Shome Nath Gupta ..	21-3-1931	Non-Matric ..	No.
18.	Harendra Nath Trivedi ..	15-7-1932	Ditto ..	No.
19.	Bhusan Chandra Biswas	12-9-1932	Matric ..	Yes.
20.	Surendra Nath Ghose ..	10-11-1932	Non-Matric ..	No.
21.	Satyendra Nath Kar ..	12-11-1933	Ditto ..	No.
22.	Khorshed Alam ..	4-4-1934	Ditto ..	No.
23.	Abdul Mannan ..	28-3-1934	Ditto ..	No.
24.	Mocrari Mohan Batavyal	30-4-1934	Matric ..	Yes.
25.	Saadat Hossain ..	19-5-1934	Non-Matric ..	No.
26.	Panna Lai Mukherjea ..	18-9-1934	Ditto ..	No.
27.	Quazi Ataher Ali ..	2-12-1935	Matric ..	Yes.
28.	Abdul Mahit ..	13-6-1936	Non-Matric ..	No.
29.	Durgapada Chakrabartty	8-9-1935	Nil	No.
30.	Haridas Chatterjea ..	5-8-1936	Nil	No.
31.	Shah Abdul Latif ..	8-3-1937	Non-Matric ..	No.
32.	Sital Prosad Sen ..	15-3-1937	Graduate ..	Yes.
33.	Nalini Mohan Mitra ..	24-4-1937	Matric ..	Yes.
34.	Antazuddin Ahmad ..	18-5-1937	Under Graduate	Yes.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is it not a fact that in other Government offices, people down below—what we call the rock bottom—are given a chance of rising by promotion?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a hypothetical question to which it is difficult to give an answer.

Appointments in the office of the Registrar of Assurances, Calcutta.

5. **Mr. KRISHNA CHANDRA ROY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Registrar of Assurances, Calcutta,—

(*i*) held an examination in September, 1936, for filling up vacancies in the ministerial establishment; and

(*ii*) set certain questions for the said purpose?

(*b*) Were questions put on the following points:—

(*i*) procedure as to presentation of documents;

(*ii*) procedure as to admissibility of documents;

(*iii*) provisions of the Bengal Stamp Act;

(*iv*) sections 19 and 62 of the Act;

and whether these comprise matters contained in the Bengal Registration Manual and the Bengal Stamp Manual?

(*c*) If the answers to (*a*) and (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state the justification for setting such questions and whether such questions are meant only for probationers and Sub-Registrars as laid down in paragraph 312 of the Manual?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) and (*ii*) Yes.

(*b*) (*i*) No.

(*ii*) to (*iv*) Yes.

(*c*) Such questions are usually set for Sub-Registrars but that is no reason why they should not be set for ministerial officers. In this particular case selection was being made from amongst extra copyists who had served in the office for some time.

Extra establishment in the Registration Department.

6. **Mr. KRISHNA CHANDRA ROY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether Government maintains an extra establishment in the Registration Department?

(*b*) Are there employees in this establishment whose period of services ranges from 5 to 20 years continuously?

(*c*) Is this extra establishment maintained particularly to cope with the rush of work?

(*d*) Is it that this extra establishment is entertained only when it is certain that the permanent establishment will be unable to complete registration within 3 days of the presentation of the documents?

(*e*) Have the services of many employees in the extra establishment been retained from 5 to 20 years continuously in the interests of the department having due regard to (*c*) above?

(*f*) If the answers to (*a*) to (*e*) be in the affirmative, will the Hon'ble Minister be pleased to state the justification for keeping those employees in the extra establishment who have rendered a continuous service of over 5 years?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes, when necessary.

(*b*) Not as a rule.

(*c*) Yes.

(*d*) Yes. The question as to when extra establishments are to be employed is largely a matter of discretion on the part of the registering officers.

(*e*) The information is not readily available.

(*f*) Does not arise.

Trade Unions in Bengal.

7. **Mr. LATAFAT HOSSAIN:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state the number of registered trade unions in Bengal?

(*b*) Will he be also pleased to state whether the registered trade unions are bound to submit their annual returns to the Registrar of Trade Unions by the 31st of July in every year?

(*c*) If the answer to (*b*) be in the affirmative—

(*i*) what are the names of the unions which submitted these returns for the years 1934-35 and 1935-36, and

(*ii*) the dates on which these were submitted?

(*d*) Have any steps been taken against those which have failed to submit these returns within the prescribed time?

(*e*) If not, what are the reasons for the delay in taking proper steps?

(f) Who are the auditors of these unions and what are their respective qualifications?

The Hon'ble Khwaja Sir NAZIMUDDIN: In the absence of my Hon'ble colleague, may I have your permission, Mr. President, to answer this question?

Mr. PRESIDENT: Yes.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: May I rise to a point of order? Is the Hon'ble Minister competent to answer a question the answer to which is in the name of another Minister?

Mr. PRESIDENT: Certainly. If an Hon'ble Minister is absent, with the permission of the President, a question can be answered by some other Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of Commerce and Labour Department): (a) There are 121 registered trade unions in Bengal up to date.

(b) Yes.

(c) (i) The hon'ble member is referred to Statement A of the Annual Reports on the working of the Trade Unions Act, 1926, in Bengal for 1934-35 and for 1935-36, which will give him the required information.

(ii) The majority of the returns were received after 31st July in both years.

(d) and (e) No action was taken against unions which submitted returns but could not submit them by the prescribed date on account of difficulties, which appeared to be genuine, and on account of which the unions applied for time. Each application for time was granted after due scrutiny that the infringement of the law was not wilful as intended by section 10 (b) of the Act. The certificates of registration of those unions which did not submit returns at all were cancelled.

(f) The auditors are mostly professional men holding statutory auditor's certificates. In some cases the auditing was done by two members of the union in accordance with regulation 19 (5) of the Bengal Trade Union Regulations, 1927.

Settlement of ganja shop at Bowbazar Setreet, Calcutta.

8. **Mr. LATAFAT HOSSAIN:** (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether the excise shop situated at 171, Bowbazar Street, Calcutta, was settled by auction in the month of May or June of this year?

(b) If the reply to (a) be in the affirmative, will he also be pleased to state how many persons applied for the licence?

(c) Were all the applicants called for an interview?

(*d*) If not, why not?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the present licensee is in any way related to the Excise Collector, Calcutta; and

(*ii*) the name of the licensee?

MINISTER in charge of FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikat): (*a*) The *ganja* shop at 171, Bowbazar Street, Calcutta, was settled with a new licensee not by auction but under the Bengal fixed-fee system on the cancellation of the licence of the former licensee.

(*b*) Three persons applied for this particular licence. There were thirteen other applicants who did not, however, specifically apply for this particular shop.

(*c*) No.

(*d*) It was not considered necessary, as all the information wanted about the applicants was available in their respective petitions.

(*e*) (*i*) No.

(*ii*) Babu Amiya Mohan Bose.

Fund of the Provincial Road Board.

9. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether there is any fund belonging to the Bengal Provincial Road Board which is undisposed of and, if so, what is the amount?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister kindly state as to why the fund is not being used up?

(*c*) What schemes of the Provincial Road Board are now ready?

(*d*) If there is no ready scheme, will the Hon'ble Minister consider the desirability of contributing a portion of the undisposed fund to the district boards and municipalities to improve the roads under them?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I with your permission, Sir, answer on behalf of the Hon'ble Maharaja Srischandra Nandy who is absent?

Mr. PRESIDENT: Yes:

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of Communications and Works Department): (*a*) Yes; Rs. 37·11 lakhs.

(*b*) The delay in the preparation of schemes is mainly due to the following reasons:—

(*i*) In a deltaic province like Bengal with extensive spill areas, the question of providing sufficient waterways in the interests

of sanitation and agriculture has to be solved before schemes of road construction can be framed.

(*ii*) Road schemes in Bengal often involve the construction of big bridges and hydraulic observations have to be taken for a prolonged period before a bridge can be designed.

(*iii*) Government are awaiting a comprehensive road programme for the whole of the province which is under preparation by a Special Officer and is nearing completion.

(*c*) A statement is laid on the table.

(*d*) Does not arise.

Statement referred to in the answers to question No. 9 showing road projects ready for execution.

		Rs.
1.	Calcutta-Jessore up to Gaighata Bridge ..	6,53,162
2.	Special tools and plants for Sevoke-Bograkote Road ..	38,000
3.	Sevoke-Bograkote Road—	
	(*a*) Road proper portion ..	8,89,690
	(*b*) Staff quarters ..	14,710
	(*c*) Inspection Bungalows ..	17,300
	(*d*) Leesh Bridge ..	38,302
4.	Comilla-Mainamati-Barkanta-Daudkandi Road ..	4,85,665
5.	Diversion of Grand Trunk Road in the 13th mile of the Hastings Jute Mills.	91,150
6.	Diversion of the Grand Trunk Road near Hooghly ..	1,16,741
7.	Burdwan-Arambagh Road—First portion—	
	(*a*) Road portion ..	4,37,720
	(*b*) Segrai Khal Bridge ..	22,391
8.	Tankabati Bridge—Manufacture of bricks ..	32,900
9.	Magura-Jhenidah Road—First portion—	
	Dhopaghata Bridge ..	1,62,104
10.	Satkhira-Navaran Road ..	5,24,503
11.	Tangail-Mymensingh Road—Second portion ..	41,835
		35,67,443

Bridge over the river Dwarka.

10. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether a project of constructing a bridge over the river Dwarka in the district of Murshidabad, has been taken up?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state what progress has been made so far and when the construction of the bridge is expected to be completed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of Communications and Works Department): (*a*) Yes.

(*b*) The collection of materials is in progress. The construction of he bridge is expected to be completed in about a year and a half.

Liquidation of Central Co-operative Banks.

11. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the [on'ble Minister in charge of the Co-operative Credit and Rural ndebtedness Department be pleased to state whether the Registrar of o-operative Credit Societies is considering the desirability of putting ome of the Central Co-operative Banks in Bengal into liquidation?

(*b*) If so, what steps have been taken to save them from the proposed quidation?

(*c*) When are auditors likely to be appointed to look into the affairs f the Central Co-operative Banks?

(*d*) If so, how many auditors are likely to be appointed for the urpose?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL NDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary ullick): (*a*) No.

(*b*) The question does not arise.

(*c*) and (*d*) The Inspectors of Co-operative Societies generally look after the affairs of the Central Banks and not auditors. Thirty-four additional Inspectors of Co-operative Societies are likely to be appointed very soon for better supervision of Central Banks.

Appointment of Inspectors and Auditors, Co-operative Department.

12. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether a large number of Inspectors and Auditors are going to be appointed in the Co-operative Department?

(*b*) If so, will the Hon'ble Minister please state whether the appointment will be made through the machinery of the Public Service Commission?

(*c*) If not, will the Hon'ble Minister please state the reasons therefor?

(*d*) Will the Hon'ble Minister please state if any communal ratio has been fixed for these appointments?

(*e*) If so, (*i*) what is that ratio and (*ii*) does the Hon'ble Minister propose to make the appointments through competitive examination from amongst the members of different communities?

(*f*) If the answer to (*e*) (*ii*) be in the negative, will the Hon'ble Minister please state the reasons therefor?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes over 80.

(*b*) No.

(*c*) Rules do not require that the Public Service Commission shal be consulted as to the appointments of officers of this grade.

(*d*) and (*e*) A communal ratio will be settled, but it has not yet been fixed. The appointments will be made by a competitive examination among the candidates chosen by a selection board, due regard being paid to the communal ratio fixed.

(*f*) The question does not arise.

Rai SATIS CHANDRA MUKHERJI Bahadur: Are not the District Magistrates making the selections in various districts?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: District Magistrates have been asked to make the preliminary nominations and not the final selections.

Khan Bahadur ATAUR RAHMAN: Are the nominations for final appointment or only for eligibility to sit at a competitive examination?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: These nominations are for qualifications, to be considered by the selection board.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that there is a strong feeling that the present organization of the Co-operative Department has failed to serve the purpose for which the department was organized?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is a matter of opinion which it is very difficult to answer.

Rai SATIS CHANDRA MUKHERJI Bahadur: Will the selection board confine itself only to the nominees of the District Magistrates or will they be asked to make further selections?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The selection board will primarily concern themselves with the nominations made by District Magistrates.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is it a fact that many members of this Council as well as of the Assembly have practically made it impossible for the Hon'ble Minister in charge to decide this question?

Mr. NAZIRUDDIN AHMAD: On a point of order, Sir. Is this question not a kind of insinuation against the Hon'ble Minister in charge. We cannot take advantage of this question to make an insinuation of this type.

Mr. PRESIDENT: Will Mr. Roy Chowdhury please repeat his question?

Mr. KRISHNA CHANDRA ROY CHOWDHURY: My question is this, Sir. Is it a fact that several members of both the Houses have made it impossible for the Hon'ble Minister in charge to make these appointments?

Mr. NAZIRUDDIN AHMAD: I submit, Sir, that in that case it is an insinuation against members of the legislature which is open to greater objection?

Mr. PRESIDENT: I do not think that Mr. Roy Chowdhury made any insinuation. He is in order.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No. Sir, it is not a fact.

Dr. RADHA KUMUD MOOKERJI: The Hon'ble Minister has not made one point quite clear. He has asked for nominations from District Officers. We want to know what is exactly the end of these nominations—whether the candidates nominated by them will be eligible for appearing at the competitive examination or whether they will be appointed outright? In the latter event there is no need to have a machinery for a competitive test.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The cases of nominated candidates will be considered in the first instance by a selection board and then they will be subjected to a competitive examination.

Rai SURENDRA NARAYAN SINHA Bahadur: May I inquire how the appointment of departmental officers will be made and whether there will be a competitive examination also in their case?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That question, I am afraid, does not arise.

Mr. KAMINI KUMAR DUTTA: Have any instructions been sent to the District Officers fixing the limit of the number of persons to be nominated by them?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state who will hold this examination—whether the Board of Examinations or the Co-operative Department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: This has not yet been settled.

Maulana MUHAMMAD AKRAM KHAN: (In Bengali.) Is the Hon'ble Minister aware of the news, published in the newspapers that thirteen vacancies are reserved for the candidates from the 24-Parganas, out of which only three are reserved for the Muslims?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of it.

13. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact that a large number of Inspectors and Auditors are going to be appointed in the Co-operative Department?

(*b*) If so, will the Hon'ble Minister please state whether the appointments will be made through the machinery of the Public Service Commission?

(*c*) If not, will the Hon'ble Minister pleased state the reason therefor?

(*d*) Will the Hon'ble Minister please state if any communal ratio has been fixed for these appointments?

(*e*) If so, (*i*) what is that ratio and (*ii*) does the Hon'ble Minister propose to make the appointments through competitive examination from amongst the members of different communities?

(*f*) If the answer to (*e*) (*ii*) be in the negative, will the Hon'ble Minister please state the reasons therefor?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) to (*f*) The hon'ble member is referred to the answer given to question No. 12 at this session of the Council.

14. Mr. MESBAHUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether a large number of Inspectors and Auditors are going to be appointed in the Co-operative Department?

(*b*) If so, will the Hon'ble Minister please state whether the appointments will be made through the machinery of the Public Service Commission?

(*c*) If not, will the Hon'ble Minister please state the reasons therefor?

(*d*) Will the Hon'ble Minister please state if any communal ratio has been fixed for these appointments?

(*e*) If so, (*i*) what is that ratio and (*ii*) does the Hon'ble Minister propose to make the appointments through competitive examination restricted amongst the members of different communities?

(*f*) If the answer to (*e*) (*ii*) be in the negative, will the Hon'ble Minister please state the reasons therefor?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) to (*f*) The hon'ble member is referred to the answer given to question No. 12 at this session of the Council.

Particulars about externed persons.

15. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the [on'ble Minister in charge of the Home Department be pleased to ;ate—

(*a*) the name of each person externed from the place where he ordinarily resided;

(*b*) his address at the place where he ordinarily resided;

(*c*) age of the person externed;

(*d*) the area into which he has been prohibited from entering;

(*e*) the date of externment;

(*f*) the names of the persons who violated the externment orders and subsequently have been detained or convicted showing against each—

(*i*) place of detention, and

(*ii*) if convicted, the term of punishment quoting the law under which sentenced;

(*g*) university qualification, if any; and

(*h*) previous occupation, if any?

The Hon'ble Khwaja Sir NAZIMUDDIN: Statistical information is not available in the form desired by the hon'ble member and to compile it specially would entail an expenditure of time, labour and money which Government regret they cannot see their way to undertake.

Mr. SHRISH CHANDRA CHAKRAVERTI: Does the Hon'ble Minister deny that Government are in possession of these facts?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already answered that question. The material is in such various forms and in so many different places that it will take a great deal of labour, money, and time to collect them and place them before the House.

Dr. RADHA KUMUD MOOKERJI: Do not Government think that the material affecting the liberty of so many of our youths should have been collected beforehand? Do not the issues at stake deserve a far better treatment at the hands of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, it is asking for an expression of opinion.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please tell us whether these decisions about individuals are made by local authorities or by one central authority with regard to externment?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the member to the Bengal Criminal Law (Amendment) Act, where he will find a provision which will answer his question.

Mr. PRESIDENT: I think Mr. Humayun Kabir is entitled to this information if it is in the possession of the Hon'ble Minister, he should not simply refer the member to books, if that can be helped.

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, in that case I would require notice of this question, to be absolutely sure.

Free Primary Education.

16. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state what steps have so far been taken to introduce free primary education in Bengal?

(*b*) Is it a fact that a new scheme is being prepared for the purpose?

(*c*) If so, when will the scheme be published?

(*d*) What is the difference between the new scheme, if any, and that of the Hon'ble Khan Bahadur Maulvi Azizul Huq, ex-Minister in charge of Education?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The matter is under consideration and it is hoped to bring a satisfactory scheme into operation at an early date.

(*b*) to (*d*) Do not arise.

Library of the Legislature.

17. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what arrangements have been made for the use of books in the Library in the Legislative House by the members of the Legislature?

(*b*) Is it a fact that the Library Grant which was formerly Rs. 5,000 has been reduced to Rs. 2,000?

(*c*) Are the Government aware that in the Library, except the Law Journals, the proceedings of the Legislatures and bare enactments no other books have been purchased during the last 7 years?

(*d*) If not, how many books have been purchased from 1930 to 1937, year by year, for the Library including Law Reports?

(*e*) Is it a fact that the books of the Library are scattered in different almirahs in different rooms?

(*f*) Will the Government consider the proposal of employing a wholetime librarian with specialised training for the purpose?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Attention is invited to the Rules for the Bengal Legislative Assembly Library, a copy of which is on the Library table. Pending the settlement of permanent arrangements, the Bengal Legislative Assembly Department have been requested to place the Library and the services of the librarian and his staff at the disposal of the members of the Bengal Legislative Council in the same manner as for the members of the Assembly.

(*b*) Since the revised budget of 1935-36 a sum of Rs. 1,200 has been provided in the annual budget for the Assembly Department Library. Proposals for increasing the annual grant and for the allotment of a lump sum are now under the consideration of the Hon'ble Minister.

(*c*) My hon'ble friend has been informed that ordinarily the allotted grant is almost exhausted in purchasing Law books, Law reports and official reports of Legislatures in India and abroad.

(*d*) The information desired by the hon'ble member is being obtained and will be supplied to him later.

(*e*) Yes.

(*f*) The proposal made by the hon'ble member will be examined.

Refreshment arrangement for members.

18. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the name of the person who is responsible for the arrangement of the refreshments for the members of the Legislature here?

(*b*) Is the Hon'ble Minister aware that the charges for the refreshments supplied are inordinately high?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) I have no information. I suggest that a reference may be made to the officers of the House.

Salaries and allowances for members.

19. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state when the Government will give effect to section 72 of the Government of India Act, 1935, by providing for payment of salaries and allowances to the members of the Legislature?

(*b*) Will the Hon'ble Minister be pleased to state why immediate steps have not been taken to give effect to the above?

(c) Is the Hon'ble Minister aware that members residing within a radius of five miles from Government House, Calcutta, are not entitled to any allowance whatsoever?

(d) Will the Hon'ble Minister be pleased to state what are the salaries and allowances of the members of the Legislatures in different dominion parliaments and other (democratic) countries, e.g., United States of America, Switzerland and France?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) and (b) The attention of the hon'ble member is invited to the provisions of the Bengal Legislative Chambers (Members' Emoluments) Bill, 1937, published in an Extraordinary issue of the *Calcutta Gazette* on the 29th July, 1937.

(c) Yes.

(d) The information desired by the hon'ble member can be obtained on a reference to Whitaker's Almanack, and similar publications.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware that in other countries no distinction is made between *mufassil* and town members in the matter of emoluments?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would ask for notice.

Political prisoners.

20. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state whether—

(a) writing materials are allowed to all political prisoners;

(b) there is any arrangement for physical exercise indoor or outdoor;

(c) there is any provision for light for reading purpose at night;

(d) there is any arrangement for mental recreation for them; and

(e) they all come of middle-class *bhadralog* families and are accustomed to higher standard of living and food than that of class III prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have now got the answer to this question ready, and with your permission would like to read it out.

On the assumption that the hon'ble member has in mind the cases of prisoners suffering imprisonment for offences including murder and dacoities committed in furtherance of political movements the answers are as follows:—

(a) Attention is invited to rules 654, 1056, and 1065 of the Jail Code, a copy of which will be found in the Library.

(*b*) Yes.

(*c*) Prisoners whose mode of living is above the ordinary are allowed lights for reading purposes up to 10 p.m.

(*d*) Attention is invited to rules 654 and 1074 of the Jail Code. Libraries are maintained in all central and district jails at the public expense and material for indoor games is also provided.

(*e*) Many prisoners are considered to be accustomed to a mode of living not above the ordinary.

Evasion of provisions of Payment of Wages Act.

21. Mr. LATAFAT HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether a large number of the employers have disobeyed the provisions of the Payment of Wages Act?

(*b*) If so, has the Chief Inspector of Factories taken any steps against the delinquents?

(*c*) If not, why not?

(*d*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state whether the Chief Inspector of Factories has started any prosecution against such employers under the Payment of Wages Act?

(*e*) Will the Hon'ble Minister be also pleased to state—

(*i*) the names of the employers who have transgressed the provisions of the Payment of Wages Act; and

(*ii*) the number of prosecutions made?

(*f*) If the answer to (*d*) be in the negative, will the Hon'ble Minister be pleased to state whether he proposes to take any action against them?

(*g*) If so, when?

(*h*) If not, why not?

Mr. PRESIDENT: As the answer to this question has not been printed, the Secretary will please tell me what was the date of the notice of this question and if it was duly communicated to the administrative department:

The SECRETARY: The notice was given on the 9th of July.

Mr. PRESIDENT: The right of interpellation is certainly a great privilege of members, and under Standing Order 15 of this House, Ministers of Government do claim—and they are certainly entitled to claim—fifteen days' notice; and if any hon'ble member desires an

answer at a date earlier than the fifteenth day, he is to seek the permission of the Hon'ble Minister in charge of that department. This right certainly entails a corresponding obligation. So I have asked my office to give due notice, and I expect that in future Government will see that on the fifteenth day their answers are ready. I can contemplate that in many cases their answers may not be ready, but in those cases it should be the duty of the Minister in charge to tell the hon'ble member the reason why the answer could not be got ready within the prescribed time and that the answer would be available at a later date. But I think in future Hon'ble Ministers will please take care to see that answers may ordinarily be made ready on the fifteenth day. Of course, if the present procedure is considered a hardship, the House is at liberty to change the rules, but so long as the present rules are there, I am bound to hold that the responsibilty is on the Ministers to answer questions on the fifteenth day from the date on which notice of the question is received.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: May I rise, Sir, on a point of information? What is the utility of printing this question and wasting Government money?

The Hon'ble Mr. A. K. FAZLUL HUQ: May I have your leave to make a statement which will make the position clear. Ordinarily fifteen days are allowed to the members of Government to answer questions which is sufficient for the collection of information and materials necessary for answering the question. There are cases, Sir, in which materials have got to be gathered from outlying places in the *mufassil* from various officers and that may entail time. In such cases, as you have been pleased to observe, it is open to members of Government to ask for more time, and I am sure the House will not grudge time being given. In this particular case it is apparent that the answer is not ready. It has been printed in the expectation and the hope that by the time this paper is placed in the hands of the hon'ble members answers may be ready. As has happened in one of the cases to which Sir Nazimuddin has replied, questions were printed but the answers were not printed but he has read out the answers because he had them ready. In this case it appears that the answer is not ready and I am extremely sorry that the hon'ble member is pressing for a reply and I hope that the House will accept the explanation.

Deaths on account of A. C. current.

22. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) Will the Hon'ble Minister in charge of the Commerce and

Labour Department be pleased to state whether the attention of Government has been drawn to the following deaths by electrocution, namely:—

(i) of Mr. Mohini Mohan Ghosal, of Kasba, Ballygunge, on the 18th May, 1937;

(ii) of Mr. Prabhat Kumar Sen Gupta, son of Mr. Srish Kamal Sen Gupta, of 1/2B, Dehi Serampore Road, Ballygunge, on the 21st October, 1936; and

(iii) of Mr. Ramkrishna Ghose, of 20A, Prince Golam Mahammad Road, Ballygunge, on the 21st February, 1935?

(b) Is it a fact that all these cases of death were due to the use of the alternating current system in these areas as opposed to the direct current system used in Calcutta?

(c) If so, what actions have been taken to prevent recurrences in future?

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the MINISTER in charge of COMMERCE and LABOUR DEPARTMENT): The answer is not yet ready and will be supplied when ready.

Panel of Chairmen.

Mr. PRESIDENT: I have to inform the House that under rule 3 of the Bengal Legislative Council Rules I nominate—

Khan Bahadur Maulvi Abdul Karim,

Dr. Radha Kumud Mookerji,

Maharaja Sir Manmatha Nath Ray Chowdhury, Kt. of Santosh, and

Mr. J. A. McKerrow.

on the Panel of Chairmen for the current Session.

Motion for Adjournment.

Mr. PRESIDENT: I received a notice from Mr. Kamini Kumar Dutta that he proposed to ask for leave to move a motion for the adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance which is as follows:—

"That the business of this Council do stand adjourned to discuss a definite matter of urgent public importance, viz., the situation arising out of letters of warning issued by the Press Officer, Government

of Bengal, to the Editors of Newspapers, dated the 24th July, 1937, drawing attention to Notification No. 6199P., dated the 17th May, 1935, issued by the Political Department, Government of Bengal, prohibiting publication of any news regarding the detenu day, and thereby unduly interfering with the liberty of the Press and with the right of the public to ventilate their opinions on the problems regarding persons detained under the Criminal Law Amendment Acts."

I have also received a similar motion from Mr. Lalit Chandra Das which is as follows:—

"That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely—the letter dated the 24th July, 1937, from the Press Officer, to the Government of Bengal to the Editors of Newspapers in Bengal drawing their attention to the Bengal Government Notification No. 6199P., dated the 17th May, 1935, which prohibited among other things the publication of any information relating to the Detenu Day announced for May, 1935."

The previous notice was from Mr. Kamini Kumar Dutta and as in one sitting we cannot take up more than one motion for adjournment, I have to enquire whether the hon'ble member, Mr. Kamini Kumar Dutta, has the leave of the House.

Several voices: No, no.

Mr. PRESIDENT: As objection has been taken, I would request those hon'ble members who are in favour of leave being granted to rise in their places.

(Not less than thirteen members rose in their places.)

Mr. PRESIDENT: As not less than thirteen members have risen, I declare that leave is granted and that the motion will be taken up for discussion as soon as the Finance Minister finishes his speech.

ADDRESS TO THE GOVERNOR.

Rai SURENDRA NARAYAN SINHA Bahadur: I gave notice for moving a motion. Shall I be permitted to move it?

Mr. PRESIDENT: I have received a further notice from Rai Surendra Narayan Sinha Bahadur, which runs as follows:—

"Under section 118 of the Rules and Standing Orders.

Rai Surendra Narayan Sinha Bahadur to move that an address be presented by this House to His Excellency the Governor for the gracious speech that he has made, as representative of His Majesty the King, Emperor of India, at joint session of the Bengal Legislature on the 29th of July, 1937."

This is the notice of motion by Rai Surendra Narayan Sinha Bahadur. I should like to hear the Leader of the House if he has any thing to say on this matter.

Dr. RADHA KUMUD MOOKERJI: Who is the Leader of the House?

Mr. PRESIDENT: Before I give my reply I like to hear any responsible Minister who would like to enlighten me on this matter.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, this particular matter concerns the Home Department and with your leave, the Minister in charge of Political Department will be for the moment, the Leader of the House. Sir, it is open to any member of the Government to reply and state the view of the Government. In this particular case the Hon'ble Minister in charge of the Home Department is directly concerned and with your leave he will make his statement.

Mr. PRESIDENT: I think Dr. Mookerji wanted to know about the general question as to who would be considered as the Leader of the House.

The Hon'ble Mr. A. K. FAZLUL HUQ: Pending any other decision of appointment I take upon myself the duty of filling up that position. But in this particular case since the question concerns the Homo Department I would ask your leave to allow the Home Minister to take up the position.

Mr. PRESIDENT: Certainly in this particular case you can ask any Hon'ble Minister to represent the Government; but the general question raised by the Leader of the Opposition is of wider interest. He wants to know who the Leader of the House is.

The Hon'ble Mr. A. K. FAZLUL HUQ: I have answered. I have taken upon myself the responsibility to fill that position.

Dr. RADHA KUMUD MOOKERJI: On what authority, Sir?

The Hon'ble Mr. A. K. FAZLUL HUQ: No authority is needed; it is self-imposed.

Dr. RADHA KUMUD MOOKERJI: I venture to submit, Sir, that the Chief Minister is exceeding his own limits by assuming this position of leadership in a House of which he is not a member. He is here by courtesy. He is here to explain for the benefit of this House whatever information is to be given by Government. I think there, Sir,

his duty ends and he should not transgress further the limits of his own proper domain and assume the leadership of a place to which he does not belong.

Mr. PRESIDENT: Does any other hon'ble member like to participate in this discussion?

Mr. NAZIRUDDIN AHMAD: The question is, is there any Leader of the House. The hon'ble member who has spoken just before me seems to imply that the Hon'ble Chief Minister is not to be the Leader of the House. I believe he is the Leader of the greatest party acting in combination in this House. In these circumstances I submit that he is the Leader of the House. I would like to know, apart from him, who is the Leader of the House? I do not think that there would be any other claimant.

Mr. E. C. ORMOND: This is a question of presenting an address to the Governor of the province who is the representative of the Crown—

Mr. PRESIDENT: Order, order. I shall take up that question later on. Now I am discussing only the question as to who is the Leader of the House that has been raised by the Leader of the Opposition.

Mr. E. C. ORMOND: With the greatest respect may I suggest that in certain respects you, Sir, are the Leader of the House. I understand there will be no possible doubt to any member of this Hon'ble House that in matters connected with the presentation of an address to His Excellency the Governor, you, Sir, will be the Leader of the House; and it will be your duty to present the address to the Governor who is the representative of the Crown in this province. Therefore when you are putting the question who is the Leader of the House, I submit with all respect that it depends entirely upon the purpose for which the leadership is required. In certain respects you, Sir, are the Leader of the House: in other respects the appropriate Minister of the Government who is present in the House at the time will be the Leader at the time. I would submit with respect that no member of the opposition can be the Leader of the House unless the opposition turns to being something other than opposition.

Dr. RADHA KUMUD MOOKERJI: The leader of the opposition does not claim such honour.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, in almost all the constitutions of the world with a bicameral system, pending the selection of the Leader, the Premier of the Lower House is the Leader

of the Upper House for the time being unless the House decides otherwise. Therefore, Sir, it is rather remarkable that at this stage the Premier who has the right to sit here should be questioned whether he is the Leader.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I rise only to correct a little inaccuracy in the statement made by the Leader of the Opposition. He says—without any disrespect to the hon'ble member—that we have been granted permission by courtesy. We can attend this Council, we can speak, we can serve in a committee. We are only disallowed to vote on any matter.

Dr. RADHA KUMUD MOOKERJI: Sir, I think the word "courtesy" is not properly understood. The explanation which the Hon'ble Minister has given fully justifies the term I have used. The Ministers are here by courtesy, because they have no power of voting: therefore they are not organic parts of the House and they cannot be regarded as members of this House. I used the word "courtesy" in that sense.

Mr. HUMAYUN KABIR: Sir, to a certain extent this point has been anticipated. But I want only to submit that this is really a question of constitutional importance. No one for a moment questions that the Hon'ble the Premier is the leader of the biggest party but the question is one of technical definition as to who is the Leader of this particular House; and one of the speakers suggested that the Minister who happens to be here on behalf of the Government is the Leader of the House. I submit, Sir, that this is entirely wrong. In the Lower House there are not as many Leaders as there are Ministers—there is only one Leader—and similarly there should be one Leader of the House here. For the moment as has been suggested, till other appointments are made, the Prime Minister may carry out the functions but he cannot be the Leader of the House. I therefore submit that it will be his duty to appoint or nominate a leader to carry on the work here.

Mr. PRESIDENT: I think the matter has been sufficiently discussed. The Leader of the Opposition has raised a very interesting question but certainly he is not correct in saying that the Ministers are here by mere courtesy. They have a statutory right to be here; they have a right to take part in the debate. I think, however, that on second consideration the hon'ble Leader of the Opposition will realise that the Ministers are here not by courtesy but as a matter of right.

The other question, however, is a more intricate one. The only point that troubles me is whether a non-member can be the Leader of the House. It is true that in all civilised countries the big organised parties have their chairmen who are not necessarily members of the

Legislature. It is also true that in some of the constitutions the Ministers are not members of any House. They are appointed by the President, as in America; and as it often happens, a particular Minister may not be a member of the Upper House. I think that if the Leader of the Opposition does not insist for a ruling now and just waits for a day or two, the Chair will give the decision on a later date.

Khan Bahadur ATAUR RAHAMAN: Sir, may I ask you to adjourn the House for a few minutes for prayer?

Dr. RADHA KUMUD MOOKERJI: Sir, I just wanted to make a suggestion. Without raising the question of Leadership of the House, I would ask you to call upon any Minister to deal with the subject that has given rise to this debate.

Mr. PRESIDENT: The question shall have to be decided because there are specific duties of the Leader of the House. As a matter of fact, it is the duty of the Leader of the Opposition to enquire and ascertain the business for the next week. This House has reasons for complaint, because we are not in a position to say what particular days have been fixed for any particular business. A number of complaints have been received from hon'ble members. So I think it will be convenient for all if I decide the question at an early date.

Mr. RANAJIT PAL CHOUDHURY: Sir, I rise on a point of information. Since one adjournment motion has been admitted, is it in order to move another adjournment motion?

Mr. PRESIDENT: It is not a motion for adjournment. Only one motion for adjournment can be moved in a day.

As regards the motion of Rai Surendra Narayan Sinha Bahadur that an address be presented by this House to His Excellency the Governor for his gracious speech, it has been left over, because of the question which has cropped up in the meantime. Will the Hon'ble Minister in charge of Home Department enlighten the House with his views about the main question?

The House will now adjourn till 7-5 p.m. when we shall resume the discussion of this matter.

(The Council then adjourned for prayer.)

After Adjournment.

Mr. PRESIDENT: The House will now resume the discussion of Rai Surendra Narayan Sinha Bahadur's motion.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would like to draw your attention to section 63 of the Government of India Act, 1935. I may read the section which runs as follows:—

"63(1) The Governor may in his discretion address the Legislative Assembly or, in the case of a Province having a Legislative Council, either Chamber of the Provincial Legislature or both Chambers assembled together, and may for that purpose require the attendance of members.

(2) The Governor may in his discretion send messages to the Chamber or Chambers of the Provincial Legislature, whether with respect to a Bill then pending in the Legislature or otherwise, and a Chamber to whom any message is so sent shall with all convenient dispatch consider any matter which they are required by the message to take into consideration."

Therefore, Sir, section 56 of the Rules and Standing Orders refers to sub-section (2) of section 63 of the Government of India Act, 1935, and not to sub-section (1), that is to say, when the Governor sends a message then the consideration of that message has a priority over all other matters before the House.

Then, Sir, there is another point under which this cannot be considered without the previous sanction of His Excellency the Governor. Section 90 of the Rules and Standing Orders of the House says—

"The Governor acting in his discretion may at any time before the resolution is moved inform the President that he disallows any resolution or any part of a resolution on the ground that it relates to or affects the discharge of any of the functions of the Governor in so far as he is by or under the Act required to act in his discretion or exercise his individual judgment, and if he does so, the resolution or part of the resolution shall not be placed on the list of business or if it has been placed on the list of business, it shall not be moved."

Now, Sir, under section 63 of the Government of India Act, 1935, under which His Excellency the Governor has got the right to address the Chamber, anything that relates to any action of the Governor in his discretion requires the previous assent of His Excellency the Governor.

Then, Sir, may I refer to section 17 of the Bengal Legislative Council Rules and Standing Orders? It runs thus:

"The Governor acting in his discretion may—

(*a*) at the commencement of a session of the Council allot a day or days for business, relating to any matter which, in the opinion of the Governor, affects the discharge of his functions in so far as he is required by or under the Act to act in his discretion or to exercise his individual judgment, and on such day or days such business shall have precedence;

(*b*) at any time during a session, require that any business of the nature referred to in clause (*a*) shall be taken up on any day or days specified in such requisition, and on such day or days such business shall have precedence."

Therefore before the hon'ble member can move an address to the Governor it is necessary that a day should be allotted to him under section 17.

Then I would like to draw your attention also to this that the Act requires that the previous assent of His Excellency the Governor should be obtained. In that case it is necessary that sufficient notice should be given so that His Excellency may be in a position either to give the permission or to refuse it.

Last of all this can only be moved by means of a motion and a motion requires notice: also if it is to be moved by a member of the House other than a member of Government then it can only be done on a day that is set apart for private members' business. To-day has been set apart for the presentation of the Budget and on that ground may I suggest that that business should have precedence over all other matters.

Mr. PRESIDENT: May I draw the attention of the hon'ble members to Rai Bahadur's notice of the motion? He claims that his motion should take precedence of all other business on the ground that it is a question of the privilege of the House and as such must have precedence over other business of the day. It is a well-known parliamentary practice that motions concerning the privilege of the House are given precedence over all other motions, but the Chair must be satisfied that the motion is really a motion concerning the privilege of the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as you yourself said, he is moving this motion under section 118 of the Rules and Standing Orders. Section 118 contemplates moving of a motion: it says "an address from the Council to the Governor shall be presented through the President after motion made and carried in the Council". The procedure for moving this motion is clearly laid down in this rule. The question of privilege does not arise where the procedure is laid down as to how an address is to be presented and in what manner.

Mr. PRESIDENT: The question before the House now is about the procedure to be adopted when an address is to be presented to the Governor on a matter concerning the privilege of the House. Your contention is that the procedure for presenting an address has been clearly laid down in section 118. Do you seriously contend that an

address can be presented only when the Governor sends a message to the House for its consideration?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not maintain that position but I maintained that an address to the Governor can be presented by means of a motion carried in the House. That motion again under the rules has to be moved either by a private member or a member of Government. If it is to be moved by a private member a day should be set apart for it and on that day it can only be moved: it cannot be done on a day set apart for Government business. That is my first argument. My second argument is that this motion for which notice has been given cannot be moved because it infringes section 90 of the Bengal Legislative Council Rules and Standing Orders.

Mr. PRESIDENT: May I take it that the Hon'ble Minister had a notice of this motion only this morning?

The Hon'ble Khwaja Sir NAZIMUDDIN: I was informally informed about it.

Mr. PRESIDENT: Will the Secretary please enlighten me whether he informed the Hon'ble Minister?

SECRETARY: No, Sir.

Mr. RANAJIT PAL CHOUDHURY: On a point of information, Sir, has the previous permission of His Excellency the Governor been obtained to allow this motion to be moved?

Mr. PRESIDENT: As I understand, the hon'ble mover claims to put his motion not like an ordinary motion, but as a special privilege of the House which like an adjournment motion may be moved at any time and gets precedence over all other business in the House. I should like to hear arguments against that contention.

Mr. RANAJIT PAL CHOUDHURY: The Hon'ble the Home Minister just now pointed out the rule which needs the permission of His Excellency before we can discuss this matter.

Mr. PRESIDENT: Where do you get it?

Mr. RANAJIT PAL CHOUDHUHRY: The Hon'ble the Home Minister said this.

Mr. PRESIDENT: That is his opinion.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: We are now discussing the rule on the subject. A common sense view of the thing is that a resolution to be discussed does require some notice, because, otherwise how can a member participate or join in the discussion at all?

Mr. PRESIDENT: It is not a resolution. It is a motion about the privilege of the House to present an address to His Excellency for the gracious speech that he made yesterday.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I think that the discussion cannot take place immediately.

Mr. LALIT CHANDRA DAS: May I know under what rule this notice of motion has been given by Rai Surendra Narayan Sinha Bahadur?

Mr. PRESIDENT: I have quoted it several times and do it again: "Please take notice that in pursuance of the well-known Parliamentary practice I shall move the following motion under rule 56 of the Bengal Legislative Council Rules at the commencement of the sitting of the Council to-morrow, *i.e.*, on 30th July, 1937. In pursuance of the same Parliamentary practice my motion should have precedence over all other business of the House."

Mr. LALIT CHANDRA DAS: May I draw your attention to section 56 of the Bengal Legislative Council Rules and Standing Orders which lays down that "within one month after the receipt from the Governor of a message under clause (*b*) of sub-section (*1*) of section 90 of the Act, with a copy of the Bill considered by him to be necessary, any member may, after giving three days' notice to the Secretary, make a motion for an address to the Governor approving or disapproving the Bill and may attach to any such address a list of amendments to be made therein and such amendments shall be dealt with by the Council in the same manner as amendments to Bill." This relates to discussion of Governor's Bills. The Governor has addressed the Council under section 63 of the Government of India Act, 1935. I desire to know how section 56 of the Rules and Orders can be made operative in this case.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I submit another point? You have quoted the English precedent. According to that precedent——

Mr. PRESIDENT: I have not quoted it. I have merely referred to it.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as the English precedent is concerned it differs from ours on account of the statutory provision. According to the English precedent for an address from the King, the Cabinet is entirely responsible, whereas in the case of a speech from the Governor when he addresses both the Houses or any one of the Houses the Ministers have got no responsibility whatsoever. So I do not think that the two cases are identical.

Mr. PRESIDENT: I fully appreciate your point. In this motion, there is no criticism. It is merely an address of appreciation of His Excellency's speech, and no criticism of his policy. Sir Nazimuddin well knows that a convention has grown up of presenting an address on the speech from the Throne in England and in the Dominions. After a speech from the Throne is delivered there is a convention to move an address offering thanks, appreciating the speech and sometimes in some of the Parliaments even addresses of remonstrance have also been voted. So I would like to be satisfied whether the House is desirous of creating such a convention. That is the reason why I want to understand from the hon'ble members how that convention is to be created. Supposing you treat the motion as a question of privilege: once it is decided to present such an address then the procedure is that as contemplated under section 118 of the Rules and Standing Orders; you have a procedure already provided for; because I hold that section 118 is not meant exclusively for matters that are referred to by the Governor. Here is a procedure which helps the House. Once it is decided to present an address of thanks or anything of the kind to the Governor, the House can do it. I should like to hear hon'ble members who are interested in the question of creating a convention.

Mr. NAZIRUDDIN AHMAD: The matter under discussion is of conisderable constitutional importance. As you have said just now, this matter should be finally settled. But as we have assembled here to-day to do a very important thing, namely, to consider the budget. I think we should not waste our time in considering the rules and procedure in England. I do not think that the question of privilege with which the other side is so familiar would be ignored thereby.

To-day I should earnestly request you to postpone the discussion for the time being and to take up the other matter, namely, the presentation of the budget which is more important than the present question. We are anxiously awaiting the Hon'ble Finance Minister's speech and should suppress our curiosity for the time being so far as this matter is concerned for which you can set apart a subsequent date.

Mr. KAMINI KUMAR DUTTA: As far as I could understand from the notice given by the hon'ble member, he wants to present an address to the Governor, and in that connection he has made a

reference to the British Parliamentary practice where even if there be no provision or rule, there is the question of special privilege. We have not heard anything about the English practice. As far as we know, there is a privilege to present an address to the King and that address is presented by the administration.

Mr. PRESIDENT: But the motion for presentation of an address is not moved by the Ministers but by a member selected by them.

Mr. KAMINI KUMAR DUTTA: Very recently, His Excellency in his speech here has indicated that the procedure about the British Parliamentary practice would not necessarily apply to a legislature in India. And not only here but also in our law courts you will find that we have been warned that the principles of the English law would not be always applicable. We should not therefore drag in the principles of Parliamentary practice by straining it too far unless it exactly applies to our case. As special provision has been made in our rules for the presentation of an address from the Council to the Governor, I would like to say that we should not here introduce principles for which no provision has been made in the rules and for which no indication has also been given in the rules or in the Act itself. Besides, the rule, as framed, is very clear and definite that an address can be given to the Governor only after a motion has been made and carried in the Council. That apparently means a motion made according to the rules and carried also according to the rules. If there had been no enactment like this, the question of privilege would have arisen, but when there is an affirmative rule, I think it would not be proper for the House to introduce any question of British Parliamentary practice here.

Mr. PRESIDENT: The mover only wants to have the permission to move it but does not insist that it should be formally moved and carried by the House, this very day.

Mr. HUMAYUN KABIR: If it is an ordinary motion, as submitted by Mr. Dutta, can we consider a motion like that without previous notice being given? Will not the rule of fifteen days' notice operate in this case?

Mr. LALIT CHANDRA DAS: I want to know from the Rai Bahadur how he brings it under rule 56 of the Bengal Legislative Council Rules.

Rai SURENDRA NARAYAN SINHA Bahadur: The thing is that I took the first opportunity, after His Excellency delivered his speech, of presenting an address to His Excellency under rule 56 and so have given notice of this motion. I submit that in this case the question of

fifteen days' notice is not required because it is not an ordinary resolution or motion. This is an attempt to establish a convention following the Parliamentary practice which I have just referred to. And in doing so, my idea has not been to bring in any offensive matter. I submit that it is for the House and for you, Mr. President, to decide the matter, and that as suggested by the Hon'ble Minister in charge of the Home Department the assent of His Excellency may be obtained under section 90 of the Rules and Standing Orders. As regards bringing in a motion of this nature, I submit that I was quite in order.

Mr. HUMAYUN KABIR: I submit, Sir, that the reference to section 56 of the Rules and Standing Orders by the hon'ble member as well as by many other members present here does not arise at all. Section 56 is confined only to the consideration of Governor's Bills and if a Governor's Bill comes here, with regard to that the question may arise. But no such Bill has been presented here to-day.

Mr. PRESIDENT: Why do you say that this motion has any connection with Bills?

Mr. HUMAYUN KABIR: Reference has been made several times to-day to section 56 of the Rules and Standing Orders which is only in regard to Bills presented by the Governor. Therefore I was rising to the point that we cannot discuss this.

Mr. PRESIDENT: Will you please explain how you connect section 56 with this presentation of an address?

Mr. HUMAYUN KABIR: I do not, but it was referred to by several members to-day and that was why I rose to explain the case.

Mr. E. C. ORMOND: Mr. President, Sir, may I have one point cleared up. I understand from an observation that you made that the question which is being put before the House by the mover of this motion is merely to ask whether he may have the leave of the House to introduce a motion to present His Excellency with an address. I find that our rules deal with the matter of how an address will be delivered and they deal with the address after it has been decided on. As far as I have been able to see in the limited time since this motion was instituted, I find no rules which deal with the question as to how the address should be formulated. If I am right in considering that the question which is now being agitated is merely whether the hon'ble member shall have leave to bring up a motion for the presentation of an address, I take it that hereafter in his motion he will state the nature of the address; to which, if hon'ble members wish, they may make amendments. There are certain references to that aspect

of the matter in May's Parliamentary Practice, 13th Edition, of which I can give you the page later on. The gist of that is that under the old practice in the House of Lords they used to appoint a Committee for drawing up an address. That practice has now been abandoned and they now have the address moved in the form of a motion in which the wording of the proposed address is embodied; to which hon'ble members can move amendments. If that is correct it may be that you, Sir, will prefer to take time to consider the matter as the matter is one of some constitutional importance at the beginning of this new session of this new legislature. If that is the position, we need not take time now discussing anything further than merely the question as to whether this House will allow the hon'ble member to move his motion for an address or not. And the hon'ble member who wishes to have an address moved, may then formally move his motion at a later date. The address, I take it, is a non-controversial thing which usually does not require an amendment but if amendments are required, hon'ble members will have an opportunity to move amendments. If that is the position, Sir, I would suggest, simply to save the time of the House, that you may either rule on the matter, treating the matter as one of privilege, or simply put it to the House whether we agree to leave being given to move a motion at a later date that an address be presented; and the question of what the address should be and how it will be drawn up will be decided when the motion comes up. If however the position is not as I have understood it, then, if the motion is taken up now we have got to decide now what the address is going to be and its wording, which is hardly a practicable job for this House at the present moment.

Mr. PRESIDENT: The House has now considered this question for some time and we all know that there are other important matters, the most important of which is the statement of the Finance Minister. Then there is an adjournment motion. But as this matter is of great constitutional importance I desired a thorough discussion. It is true that ours is a written constitution but where the statute or the rules and regulations made thereunder are not definite, the House has certainly a right to create healthy conventions. I do not say for a moment that we should necessarily copy all the conventions even of the British Houses of Parliament, if they are not suited to the requirements of this House, but, at the same time, the hon'ble member by giving notice of this motion raised a very important issue. I would advise him not to press his motion to-day and I would permit him to revive his motion on a subsequent date, on his giving due notice. As a matter of fact, the House has been almost taken aback by this notice. This morning when I got the notice I phoned up the Hon'ble Minister who deals with the Council Departments—I mean the Hon'ble Khwaja Sir Nazimuddin—and I told him

that an important question was going to be raised in the House to-day, and, if necessary, he might even consult the law officers of Government on this point. So, I would request the mover not to press this motion to-day. I give him an assurance that I will permit him to raise this question again on a further occasion if he so desires.

Rai SURENDRA NARAYAN SINHA Bahadur: After what I have heard from the Hon'ble the President I do not like to press the motion to-day.

Mr. E. C. ORMOND: May I rise on a point of personal explanation, Sir? May I be permitted to say that I was referring to page 173 of May's Parliamentary Practice?

Mr. PRESIDENT: I permit Rai Surendra Narayan Sinha Bahadur to withdraw his notice of motion to-day with the option to bring up his motion on any later date.

Rai SURENDRA NARAYAN SINHA Bahadur: Am I required to give any fresh notice, Sir?

Mr. PRESIDENT: Certainly. If you want to bring up this matter again, you should give fresh notice.

BUDGET ESTIMATE.

The Hon'ble Mr. NALINI RANJAN SARKER: Mr. President, Sir, under the provisions of the new Government of India Act, 1935, it has devolved on me to present the Budget Estimates for the year 1937-38 to this House—estimates which I have already presented to the Lower House last evening. Upper Houses in the provinces are a creation of the new Government of India Act—I mean in those provinces where they have been given what is called the bicameral system. Of course, the powers of this House are almost analogous in every matter except in respect of two main matters, viz., that of voting on appropriations and, also, limitations in respect of initiating financial Bills. But I feel that this should not make the value of the suggestions of hon'ble members of this House or their findings less weighty or less worth seeking. I, therefore, shall look forward to corrective and helpful criticisms which, I am sure, the Budget Estimates will be exposed to in this House.

While I presented the Budget Estimates in the Lower House last evening, I dwelt at great length on our present financial position, our past position, and also tried to give an indication of our future prospects. I also tried to picture the problem that faces us in every department of our social life and also tried to indicate the directions in which their solutions lie. I do not want to weary the members of this House by going over the whole ground again. I have, therefore, arranged that copies of my speech delivered in the Assembly be made available for the use of hon'ble members of this House, and I crave their indulgence that they would be good enough to read that speech and consider the various suggestions I have made therein.

So far as our financial position is concerned, in short I can say that we have made a good start. Hon'ble members of this House know full well——

Dr. RADHA KUMUD MOOKERJI: I rise to a point of order, Sir. I do not think that the Hon'ble the Finance Minister is doing proper justice to this House in withholding from this House his full financial statement. I do not think he is quite in order in referring this House to a statement he made elsewhere. This House expects from him a clear and full exposition of what he has to say on this important subject of the finances of the whole province.

Mr. PRESIDENT: Is it not too early yet to anticipate that the Hon'ble Minister is not going to give this House a full statement?

Dr. RADHA KUMUD MOOKERJI: I say this, Sir, on the basis of a remark he made just now and after he has referred us to a statement he made elsewhere.

The Hon'ble Mr. NALINI RANJAN SARKER: I have not merely referred to my statement in the other House, but I have also made it a point to see that the speech is available to hon'ble members of this House. I have assured them of this in the first instance and then I have referred this hon'ble House to my speech. So far as financial conditions are concerned,——

Dr. RADHA KUMUD MOOKERJI: Sir, I again rise to a point of order. I do not think that the Hon'ble Minister is entitled to refer this House to a printed speech of his, and I want a clear ruling on this subject from you, Sir. Following a point of order that was raised in another place, I have raised this point of order for the benefit of this House, viz., whether a particular Minister is in order or is entitled to treat this House to a course either of manuscript eloquence or to a course of reading which he has published or whether he should not

try a different course and take the whole House into his confidence, enter into direct relations with them by trying to illuminate the subject of his discourse by means of a direct approach. I think, Sir, that a ruling is necessary on this point. In fact this House expected a better treatment, and the Hon'ble Minister can easily by his spontaneous eloquence carry the whole House with him.

Mr. PRESIDENT: Will the hon'ble member be good enough to state precisely what his point of order is?

Dr. RADHA KUMUD MOOKERJI: My point of order, Sir, is this: whether the Hon'ble Minister is in order in referring the House to his Financial Statement or to his Budget Speech delivered in another place. He has to explain the situation here without referring to any speech made or composed by him for another occasion and for another place.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, it is impossible for me to state in a speech the entire position of the finances of the Government of Bengal. I have accordingly arranged to distribute along with my speech in the Lower House a few appendices and I shall be obliged if hon'ble members will kindly read my speech along with those appendices.

As regards my "set" speech to which my hon'ble friend, the Leader of the Opposition has referred, I can only say this, that, but for the fact that I do not consider it wise to expose a most important statement like the Financial Statement to the hazards of an extempore speech or to the flourishes of oratorical tactics, I certainly would have agreed to deliver an extempore speech, as I feel very much encouraged to find in quarters, from which we are least accustomed to expect it, a love for British traditions and conventions; at least for this changed attitude of theirs I would certainly have bowed to their decision and complied with their desire so as to give them this opportunity for a change. But, as a matter of fact, financial statements are such that they cannot be easily dealt with in an extempore speech; nor have I the confidence that I shall be able to do proper justice to this matter without the help of a prepared speech. I frankly admit that I am not an Englishman, and that my mother-tongue is not English; therefore, I may not be able to do justice to such an important thing in an extempore speech. Otherwise, I would have bowed with the greatest pleasure to the request of the Leader of the Opposition, because I find that my friends opposite have become greatly enamoured of British conventions and rulings, while they condemn us—Ministers of Government—as the agents of British Imperialism! However, Sir, I shall bow down to your ruling.

Mr. NARENDRA CHANDRA DATTA: On a point of order, Sir. Just now the Hon'ble the Finance Minister had a fling at the Opposition that they had become very much enamoured of British traditions. Is he in order?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I rise on a point of order, Sir?

Mr. PRESIDENT: Mr. Datta spoke on a point of order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I submit, Sir, that there should not be any discussion on a point of order.

Mr. PRESIDENT: The Chair may, if he so chooses, hear what members have got to say. But the Chair is not bound to hear. In this case, however, I would like to hear what Mr. Datta has got to say.

Mr. NARENDRA CHANDRA DATTA: Sir, we all want to have British freedom and we are all anxious for it, and for that there cannot certainly be any fling hurled at us: everybody is anxious for British freedom.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Do you think, Sir, that that is a point of order or a mere expression of opinion?

Mr. PRESIDENT: Dr. Mookerji alone raised a point of order, and I wanted him to state precisely what that point of order was. So far as I could make out, he said that the Hon'ble the Finance Minister should not have referred to his written speech. The Hon'ble Minister has now explained that there are published statements and other papers of his that have been made available to hon'ble members of this House. In that case, I hold that there is no objection—when these papers have been made available to members—for him to refer to those papers. As a further question has also been raised about manuscript speeches, I think that an answer to this question will be met in the precedents in the Central Legislature, where, as a matter of fact, manuscript speeches are not banned. Here I would like to point out the decisions of both the Hon'ble Sir Frederick Whyte and of the Hon'ble Mr. Patel. This question was raised on the 17th of February, 1925 (and will be found on page 1162 of the Indian Legislative Assembly Debates) by Mr. Devaki Prasad Sinha as follows:

"I rise to a point of order, Sir. May I draw your attention to Standing Order 27, which says that a member who is called by the President should rise from his seat and speak. Am I to take it that that includes the practice of reading out a written speech which is

very disagreeable, particularly in the case of an eloquent member like Dr. Gour?"

On this the President (the Hon'ble Sir Frederick Whyte, who is a great authority on constitutional matters) ruled as follows:

"The word 'speak' in the Standing Order must be held to cover all forms of utterance."

The same point was raised at a later date, viz., on the 4th of March, 1926, (page 2057: Indian Legislative Assembly Debates). It was raised by the member from the Chota Nagpur Division as follows:

"On a point of order, Sir. The Standing Order says when a member is called upon, he should speak. I would like your ruling on this point, as the hon'ble member is reading."

The President (The Hon'ble Mr. V. J. Patel) ruled:

"I have heard the hon'ble member's point of order; there is nothing in it."

As a matter of fact, from my experience of legislatures covering a long period, I know that when responsible statements like Financial Statements are to be made it is the practice to refer constantly to speeches that have been prepared for that purpose. We certainly look to British traditions and conventions for our guidance, and we should imitate all those institutions as far as they are adaptable to our country, and not slavishly to follow them; when we know, as the Hon'ble the Finance Minister has rightly said, that English is a foreign tongue, and when responsible statements are made, it is better that they should be written out. So, on that ground also I rule that the point of order raised by the Leader of the Opposition cannot be sustained.

The Hon'ble Mr. NALINI RANJAN SARKER: As I said, Sir, we started with a clean slate. Our debts to the centre amounting to about 8 crores of rupees have all been cancelled and we were provided by the Central Government with an opening balance of 97 lakhs for specified purposes. Then our revenue estimate is about 12 crores 55 lakhs and we have provided for an expenditure of 12 crores and 21 lakhs and there would be an estimated surplus——

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of order Sir. May I know how long we are to sit here?

Mr. PRESIDENT: You are to sit till the Hon'ble Minister's speech is over. Then we will have to take up the adjournment motion.

The Hon'ble Mr. NALINI RANJAN SARKER: So there would be an estimated surplus of about 34 lakhs. We have provided this year for an expenditure of 89 lakhs more than what we spent in the

year 1936-37. Of that 89 lakhs there are some statutory obligations which we must satisfy, that is, interest charges on State Provident Fund Deposits which it was not our liability before but that liability has been imposed now on the provincial government. Then we have to establish under the Government of India Act, 1935, a Public Service Commission. Then the office of the Official Assignee of the High Court has been provincialised and we have to make arrangements for that office, and for Provincial Legislative Council and Assembly and the rest we have distributed to the beneficent departments. The hon'ble members will all agree that the task of——.

Dr. RADHA KUMUD MOOKERJI: Sir, may I know the amount of the rest?

The Hon'ble Mr. NALINI RANJAN SARKER: That is contained, Sir, in Appendix II if the hon'ble member will look to it, otherwise I can total them but that will only mean time.

We all agree that the task of national reconstruction is very urgent and should claim our undivided attention, but in our zeal and eagerness for accomplishing such objects we should not forget the limitations of our resources and we should avoid exposing the finances of the province to serious risks of instability by taking up in haste large schemes of amelioration without ensuring the condition necessary for their success. From a perusal of the Budget Estimate hon'ble members will see that the improved financial position has been taken advantage of for providing for expenditure mainly in the beneficent departments, though provision has also had to be made for liabilities imposed on us, as I have already pointed out, by the new Government of India Act, 1935. We have taken up schemes which were handy and if we have not been able to take up more beneficent schemes to use up the whole surplus, it was, as I have already pointed out, as a precaution against making commitments in haste and without due consideration. I can assure the hon'ble members, however, if such assurance is needed, that henceforward all available margin of public revenue and other resources will be spent on measures which will mostly go to help the uplift of the masses. But I would like to emphasize at the same time that no comprehensive scheme of national reconstruction can be put through on the basis of the existing revenue and that the question of augmenting our resources demands and merits the careful attention of all parties in the legislature as also of the public. It is of course the primary duty of the Government at all times, and particularly when there is need for funds for urgent new schemes, to scrutinise existing expenditure with a view to release funds by removing such waste as may exist at the present moment. I admit

that strict economy must be made the watchword in all our departments, but I would like this House to consider that in view of the huge organisation of the Government any scrutiny into the possibility of reorganisation of the administrative machinery in order to effect economies would naturally take time, and within the short time at our disposal we could not go very carefully into the question so as to give a practical shape to it. In India there is a palpable disparity between the conditions of the masses and that of the higher paid Government officials and it is a just expectation that by more equitable adjustment at the top it may be possible to quicken efforts at national reconstruction. But the full implications of this possibility in the light of our constitutional handicaps and of other considerations should, I think, be clearly realised by the hon'ble members.

In the first place, the savings that can be effected by reduction of such higher grade salaries as fall within our purview will not be very considerable in relation to the financial needs of the task before us. In the second place, there is a great disparity between the standards of pay of different grades of Government servants; and in effecting equitable adjustments as between these grades we have not only to scale down salaries from the top but also to scale up salaries at the bottom. It is these lower grades that constitute the bulk of the administration. Whatever revenue may be released by scaling down the salaries of the higher grades may not be sufficient even for the necessary readjustments of pay in the lower grades. So it is extremely doubtful if after these readjustments any appreciable revenue would be available for beneficial measures. What I have said about the disparity of incomes of Government servants applies to the incomes of the classes and masses as well. The income of our masses is deplorably low. If this is allowed to remain at its present level even after the attainment of political power, that would be a stain on our national character viewed against world condions. The present position must therefore be changed. But to secure a better and more equitable distribution of this national income extreme socialistic measures or complete nationalisation need not necessarily be resorted to at the first instance and such measures may not be suitable to our conditions also. I think it is quite possible to finance rural uplift with such additional taxation of the rich as they could well bear. Such a method cannot justly be stigmatised as smacking of socialism or of differential taxation. The uplift of the masses of the country is a task of paramount national importance; and no sacrifice on the part of those who are in a position to make sacrifices would be too great for this end. In a democratic age glaring disparities in income and living conditions cannot continue indefinitely. Where the few live in affluence and comfort, while the vast multitude cannot get even one full meal a day, any attempt to preserve the *status quo* could

only have disastrous consequences. But I need not dilate on this aspect of our problem to-day. For we have under our existing statutes resources sufficient to make a fair start with; additional taxation is therefore a question which need not worry us in the immediate future.

I do not wish to take any more time of the House. In conclusion, I cannot do better than quote from the Budget Speech of my friend the Hon'ble Minister of the Punjab that eminent economist, Dr. Manoharlal. He said:—

"We definitely enter upon a new era to-day, when the Government and the people can no longer be viewed as in any sense occupying opposite camps. To-day the Ministry approaches the question of finance under the directions of this Assembly to carry out the popular will. They have undoubtedly to work under limitations, no large or catastrophic changes can be effected rapidly without undue risk, for howsoever much it may be desirable to transform our world, the House would not wish us to act otherwise than as practical men in close touch with the hard facts of life."

With these few words I have the honour to present the Budget Estimate for the year 1937-38 for your kind consideration and for your opinion.

Mr. PRESIDENT: There has been a suggestion to postpone the adjournment motion till to-morrow evening at 3 p.m. I should like to hear Hon'ble Mr. Fazlul Huq's view, if Government is agreeable.

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as we are concerned we have no objection. As regards the other section of the House you may please ascertain their opinion. We have not been able to consult them.

Mr. PRESIDENT: May I take it that it is the desire of the House that it may adjourn till 3 p.m. to-morrow. If there is general agreement I think it can be postponed till to-morrow because the other House will be sitting only on Monday.

The Hon'ble Mr. A. K. FAZLUL HUQ: Does this suit the convenience of the European members also? On Monday there is a sitting of the Assembly for a similar adjournment motion from 5 p.m. onwards. If we have this motion on Monday we will have to fix a time so that the two hours may elapse some time before 5 o'clock.

The Hon'ble Mr. NALINI RANJAN SARKER: There is some difficulty. The Lower House has been adjourned to meet at 3-45 p.m. on Monday. So the business of the Upper House must be finished before 3-45 p.m.

Mr. D. J. COHEN: I would suggest 1-30 p.m. on Monday.

Mr. PRESIDENT: That being the general sense of the House I now adjourn the House till 1-30 p.m. on Monday, the 2nd August, 1937.

Adjournment.

The Council then adjourned till 1-30 p.m. on Monday, the 2nd August, 1937.

Members present:

The following members were present at the meeting held on the 30th July, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Banerjee, Rai Bahadur Keshab Chandra.
(5) Barua, Dr. Arabinda.
(6) Bose, Rai Bahadur Manmatha Nath.
(7) Chakraverti, Mr. Shrish Chandra.
(8) Chowdhury, Mr. Khorshed Alam.
(9) Chowdhury, Mr. Rezzaqul Haider.
(10) Chowdhury, Mr. Humayun Reza.
(11) Cohen, Mr. D. J.
(12) Das, Mr. Lalit Chandra.
(13) Datta, Mr. Bankim Chandra.
(14) Datta, Mr. Narendra Chandra.
(15) D'Rozario, Mrs. K.
(16) Dutta, Mr. Kamini Kumar.
(17) Ellahi, Mr. S. Fazal.
(18) Esmail, Khwaja Muhammad.
(19) Goswami, Mr. Kanai Lal.
(20) Hossain, Mr. Latafat.
(21) Hossain, Mr. Mohamed.
(22) Huq, Mr. Syed Muhammad Ghaziul.
(23) Ibrahim, Khan Bahadur Maulvi Mohammad.
(24) Kabir, Mr. Humayan.
(25) Khan, Khan Bahadur Muhammed Asaf.
(26) Khan Maulana Muhammad Akram.
(27) Laidlaw, Mr. W. B. G.
(28) Lamb, Mr. T.
(29) Maitra, Rai Bahadur Brojendra Mohan.
(30) McKerrow, Mr. J. A.
(31) Molla, Khan Sahib Subidali.
(32) Momin, Begum Hamida.
(33) Mookerjee, Mr. Naresh Nath.

(34) Mookerji, Dr. Radha Kumud.
(35) Mukherji, Rai Bahadur Satis Chandra.
(36) Nicholl, Mr. C. K.
(37) Ormond, Mr. E. C.
(38) Pal Choudhury, Mr. Ranajit.
(39) Poddar, Mr. H. P.
(40) Rahman, Khan Bahadur Ataur.
(41) Ray, Mr. Nagendra Narayan.
(42) Roy, Rai Bahadur Radhica Bhusan.
(43) Roy Chowdhury, Mr. Krishna Chandra.
(44) Sanyal, Mr. Sachindra Narayan.
(45) Sarker, Mr. Indu Bhusan.
(46) Sen, Rai Sahib Jatindra Mohan.
(47) Shamsuzzoha, Khan Bahadur M.
(48) Sinha, Rai Bahadur Surendra Narayan.
(49) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
(50) Wilmer, Mr. D. H.

Members absent:

The following members were absent from the meeting held on the 30th July, 1937:—

(1) Baksh, Mr. Kader.

(2) Chaudhury, Mr. Moazzemali.

(3) Chowdhury, Khan Sahib Abdul Hamid.

(4) Chowdhury, Mr. Hamidul Huq.

(5) Haider, Nawabzada Kamruddin.

(6) Hosain, Khan Bahadur Saiyed Muazzamuddin.

(7) Jan, Khan Bahadur Shaik Muhammad.

(8) Karim, Khan Bahadur M. Abdul.

(9) Rahman, Mr. Mukhlesur.

(10) Rashid, Kazi Abdur.

(11) Ray Chowdhury, Maharaja Sir Manmatha Nath, Kt., of Santosh.

(12) Singh Roy, Mr. Saileswar.

Ministers Present:

The following Hon'ble Ministers attended the meeting held on the 30th July, 1937.

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A. (Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Sir Bijoy Prasad Singh Roy, Kt., M.L.A.

(5) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(6) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(7) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, M.L.A.

(8) The Hon'ble Nawab Musharruf Hosain, Khan Bahadur, M.L.A.

(9) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(10) The Hon'ble Mr. Prasanna Deb Raikat, M.L.A.

(11) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 2nd August, 1937, at 1-30 p.m., being the second day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-three members and eleven Ministers were present.

Motion for Adjournment.

The Council met to discuss the adjournment motion moved by Mr. Kamini Kumar Dutta for which leave had been granted by the Council on the 30th July, 1937.

Mr. E. C. ORMOND: On a point of order, Sir. May I ask whether this motion is in order? My point of order is this: is it not, Sir, in the words of the Speaker of the House of Commons in the United Kingdom, in a somewhat similar situation, a contradiction in terms to say that the matter is urgent—a matter which has existed with full knowledge for two years or more before to-day? Whatever merit there is, of the notification to the Press, the communication of that notification cannot for the nature of the thing alter the position, and that notification is two years old. If it had any importance it had it two years ago.

Mr. PRESIDENT: The Hon'ble Member should have taken this objection when the hon'ble Mr. Kamini Kumar Dutta asked for leave to move his motion. I am afraid it is too late now, and I rule the motion to be in order.

Mr. KAMINI KUMAR DUTTA: I beg to move that the business of this Council do stand adjourned to discuss a definite matter of urgent public importance, namely, the situation arising out of orders of warning issued by the Press Officer, Government of Bengal, to the editors of newspapers, dated the 24th July, 1937, drawing attention to notification No. 6199B, dated the 17th May, 1935, issued by the Political Department, Government of Bengal, prohibiting the publication

of any news regarding the Detenu Day, and thereby unduly interfering with the liberty of the Press and the right of the public to formulate their opinion on the problems regarding the persons detained under the Bengal Criminal Law Amendment Act.

The circumstances which led to the tabling of this motion are well known to the public. There was a letter issued on the 24th July, 1937, under the signature of Mr. S. Basu, the Press Officer. The letter ran thus:—I propose on the news which has been published in the newspapers relating to what is called the Detenu day.....I am desired to draw your attention to the enclosed notification No. 6199B, dated the 17th May, 1935, which prohibits among other things the publication of any information relating to the Detenu Day or any information regarding any meeting or any action or any statement in connection therewith. And along with this warning letter, the notification to which a reference has been made in the letter was also published. That notification is dated the 17th May, 1935. I need not read the notification because the contents of it are so well known.

It appears that on the eve of almost the first regular meeting of the Legislature, and it may be said that practically just at the time of the inauguration of the new Constitution, a weapon has been taken out of the armoury of the old régime by the new Ministry which call themselves popular and that weapon is in the shape of a ukase prohibiting, in the language of the letter itself, the publication of any information relating to the Detenu Day or any information regarding any meeting or any action or statement in connection therewith. But the manner and the procedure adopted for the publication of this warning itself would indicate that the so-called popular Ministry were inwardly conscious of the impropriety of their conduct. They did not issue the order themselves; they had not the courage to issue the order under their own signature and their authority. They did take cover, lacking in courage, under an old order of the year, 1935. Of course, it is apparent that the order had no legal force and an executive order always lapses with the occasion which required that order. An executive order cannot be permanent; it is not law. A law remains permanently in the statute book unless and until it is revoked; but an executive order has not the same length of life. Perhaps the Ministry were aware of the frightened condition of the Press. The Press with the heavy burden of security on their shoulders and having not much assurance or encouragement from the conduct of the Ministry, thought that the rod of punishment might come down upon them. So, the Press did not dare make a test case. Having been in the profession of law for a considerable portion of my life, I can say that if the Press had dared not obey the order, perhaps the legal advisers of the Crown would not have advised the Ministry to launch any action at all; but because the Press, overburdened with the fear of forfeiture of security, did not

make a test case, that was absolutely no ground for the so-called popular Ministry to issue a fiat like that. It is well known that with the inauguration of a new régime, amnesty to all political prisoners is given; but here we find with the inauguration of a new régime recourse to the repressive methods of the dark days of Bengal, only with that candour and courage lacking, namely, that here they did not dare come forward with that repressive weapon with full responsibility for it. Remembering that this is a subject involving one of the most major issues of the country, we must presume that the entire Cabinet is responsible for it. No excuse can be entertained that it was done without their knowledge. It is not a very trifling matter. It is a matter concerning the liberty of the Press. It is a matter concerning one of the valuable rights of the society. Can it be believed that an officer, like the Press Officer, would have dared issue a warning like this in pursuance of an executive order, the efficacy of which has already lapsed, without taking any opinion of the Cabinet? The presumption is, and quite naturally that presumption is correct, that the Cabinet is responsible for that letter of warning. This question is a burning question; it is a question which is being discussed very keenly and is being felt very keenly, and knowing full well that there is a long-standing demand for the release of the detenus, it is very unfortunate that the weak-kneed mentality of the Ministry is trying to shield itself under the cover of an old order. It was the duty of the Ministry really to ascertain public opinion; they ought to have welcomed the meeting on the Detenu Day; it would have given them an ample opportunity to ascertain public opinion, but instead of doing so, what was the course adopted by them? They stifled the agitation; they muzzled the Press; but it must be remembered that it might be possible to stifle agitation and to muzzle public opinion but they cannot muzzle the agonies of the sufferers. The Ministry must not forget that.

The detention of people without trial is against all canons of law and justice. One who is not suffering from it or one whose family members are not suffering from that calamity is not perhaps in a position to understand the pangs of it. Perhaps such people do not know how many parents in Bengal are anxiously awaiting the return of their adult sons who are their mainstay in their old age——

Mr. PRESIDENT: I do not like to interrupt the hon'ble member, but it is not the detention so much but the order passed by the Press Officer with which we are primarily concerned, in this motion. If you please confine yourself to that issue, you will be relevant.

Mr. KAMINI KUMAR DUTTA: There is a long-standing demand in the country for the release of the detenus. There can be no question about it, and the demand is a very natural and proper one. What

do we find? What are the other provinces doing in the matter? This very morning you may have seen the communiqué of the Home Department of the Bombay Government, which, I think, will be worth-placing here. The communiqué of the Home Minister of Bombay is this: "The 1st August, 1937, is a memorable day. The Government take this opportunity to acknowledge the great value of the very important and useful suggestions and criticisms which eminent public workers and patriots are making in the press and on the platform regarding numerous questions which arise in the course of administration of the various departments. The Government assure the public that early steps are being taken by legislative measures to amend such laws as unduly fetter the legitimate and peaceful activities of the citizens. Prompt efforts are also being made to see that the existing laws are so administered as not to affect the civil liberties and fundamental rights of the citizens, peacefully and legitimately exercised.

"Cases involving hardships due to the exercise of emergency powers in the past are also being scrutinised and hardships, if any, will be remedied with all convenient despatch."

Maulana MUHAMMAD AKRAM KHAN: Sir, may I rise on a point of order? The time-limit for a mover of a motion for adjournment is fifteen minutes.

Mr. PRESIDENT: I know the rule. Mr. Dutta may proceed with his speech.

Mr. KAMINI KUMAR DUTTA: Sir, I know that my life is short. So in this connection I would like to mention another matter which would be relevant for the purpose of the discussion of to-day. Regarding the recent events—I mean the happenings—at the Andamans which have appeared in the newspapers, it may be said why I mention this but it requires mention because it also relates to the matter of the publication in the press of information regarding political prisoners, it appears that the matter did come to the notice of the Government of India on the 20th of July that the hunger-strike was taken recourse to.

Mr. PRESIDENT: Mr. Dutta, you have only one minute more.

Mr. KAMINI KUMAR DUTTA: There was no publication of this event till the 30th of July. Why was this suppression made? Are we not entitled to have a reply in this respect from the Provincial Government. My appeal to all is that this can be remedied only by the repeal of these repressive laws.

Mr. PRESIDENT: The motion moved—

The House do now adjourn.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I rise to support the motion of my friend Mr. Kamini Kumar Dutta. Sir, what are things coming to in Bengal. Not only the civil liberties of the people have been encroached but we are now face to face with a new phase of blood-and-iron rule. If we agitate and fix a day for the release of political prisoners, one part of Bengal must not know what is happening in other parts and the outside world must not know how deeply Bengal feels over the question of the detention of numerous persons without trial—surely, Sir, this is autonomy—with a vengeance.

Sir, I emphatically protest against the Press Officer's warning to the newspapers in Calcutta—warning the newspapers that they must not publish any information regarding the Detenu Day. The Press Officer is no other than the Deputy Secretary to the Home Department. What business had he to warn the newspapers, unless he was ordered to do so; and who can order him to do so but the Hon'ble Minister in charge of Law and Order. The Press Officer drew the attention of the newspapers to the notification of July 17th, 1935. That notification stated that no information regarding the Detenu Day announced for the 19th May, 1935, or any subsequent date must be published in newspapers; and further no information regarding any meeting or any other statement taken or made or proposed to be taken or made for the release of persons detained under the Bengal Criminal Law Amendment Act or under Regulation III of 1818 or for the purpose of arousing sympathy with any such persons must be published.

That notification, Sir, was inoperative; that notification was issued by the Governor in Council in exercise of his powers under the Bengal Criminal Law Amendment Act as amended by section 6 of Bengal Act VI of 1934. The Bengal Criminal Law Amendment Act is the prince of the repressive laws. By that notification the press was warned not to publish any information regarding the Detenu Day of the 19th of May, 1935. That day was long past, but then the life of the old Government expired on the 31st March, 1937. I submit that with the extinction of the old Government the old notification also expired. As from the 1st April, 1937, we have a new Government and the executive authority of the Province is vested in the Governor and his Council of Ministers, the advice of the Council of Ministers would be binding upon the Governor in matters where the Ministers act constitutionally within their own sphere. No new notification being issued by the new Government and no notification being published in the local official Gazette, I submit, the Press Officer's letter was not only uncalled for but it was thoroughly illegal. But, Sir, the question of the legality of that order is not of so much importance. The question of real

importance is the question of the freedom of the press—a question which has been raised by the Press Officer's warning. That warning had its effect. By that warning the newspapers in Calcutta failed to report what happened on that Detenu Day, the 24th of July, for, that was the Detenu Day and on that day the whole of Bengal protested against the policy of detention without trial and asked for the release of political prisoners. Sir, that was a memorable day and on that memorable day our Government knew what happened in the Andamans although we did not know anything of it. We came to know of it from a United Press telegram. From that telegram we came to know that 187 out of 283 prisoners were involved in a hunger-strike. The situation was so serious that four sub-assistant surgeons and one assistant surgeon will be sent to the Andamans to attend to the hunger-strikers. Where action in giving a remission of sentences to these prisoners or giving them the privilege of B Class prisoners or transferring them to Indian jails would have been the most appropriate measure for this Government to take, we found that on that day, the 24th of July, the Press Officer issued the red poster warning all newspapers not to give any information with respect to any meeting that would be held for the release of political prisoners. Sir, here are eleven representatives of the people—sporting eleven—to use the expressive language of the Premier, forming a happy family of eleven Ministers for unhappy Bengal. These honourable gentlemen stood by and allowed the press to be gagged with the result that the smothered cry of agony of these prisoners to give vent to which people in Bengal held meetings in their thousands was not heard. Not only that. The head of this happy family failed to realise what a painful impression the Press Officer's letter, side by side with his own letter to his "brothers in faith" calling them to rally round his banner to save the Moslem Government in Bengal, produced through the length and breadth of this Province. This is one side of the shield. Sir, I respectfully invite the attention of this House to another side of the shield: over 2,000 young Bengalees —some of them brilliant students—had been spirited away by Star Chamber methods for no other reason than their love for the country. Over 90 per cent. of them are Hindus. Confined in inhospitable surroundings, undergoing great hardships, some of them have gone mad and some committed suicide and many of them became attacked with deadly diseases. Not an inconsiderable number succumbed to such diseases. None of them were put to trial. All of them have been rotting in prison for several years. This is, Sir, the other side of the shield.

Mr. D. J. COHEN: Sir, I rise on a point of order. Having regard to what the mover and his supporter have told us about the order complained of, I submit that no circumstances can possibly arise for an adjournment of the House.

Mr. PRESIDENT: This is no point of order.

Mr. LALIT CHANDRA DAS: Sir, as I was saying, in spite of what happened, the people of Bengal must not protest, and even if they do protest, newspapers must not publish any information. I ask again, what are things drifting to? Are we going back to barbarism pure and simple? Cannot the Bengal Ministry follow the example of Ministers of other Provinces and take a leaf out of their book? Sir Sikander Hyat Khan of the Punjab did not stifle the newspapers. He did not put a stop to agitation and did not muzzle the political prisoners. He did not warn newspapers from publishing anything regarding detenus. Regarding the Ministers in the six provinces, where the Congress Ministry are holding the reins of administration, what do we see? We find that the Ministers of the United Provinces, Madras, Bombay and the Central Provinces have ordered the return of the forfeited security money of newspapers. But what do we find in Bengal? The Bengal Ministry have sanctioned political prosecutions. Not only that. So far as the Advance is concerned, a deposit of Rs. 4,000 was called as security and Rs. 5,000 of Basumati was forfeited. The Ananda Bazar and Amrita Bazar Patrika have paid their penalties. Is it any wonder, if these nationalist newspapers obeyed the Press Officer's mandate? Surely not, I submit.

I submit, Sir, that in spite of the repressive laws, in spite of the agitation, the freedom of the Press in supplying news to the public, in expressing its own views on all current topics must be the first act of an autonomous Government. If autonomy implies anything, it implies not only the freedom of speech and freedom of person and freedom of association but it also implies above all the freedom of the Press. Sir, I once again protest against the Press Officer's letter and I whole-heartedly support the motion which has been moved by Mr. Kamini Kumar Dutta.

Mr. J. A. McKERROW: I have listened with attention to the arguments of my hon'ble friend, the mover of this motion, and to the hon'ble member who has just sat down. I am well aware that this question of detenus and the question of the control of the Press are two subjects which in the past have on more than one occasion given rise to much bitterness. I trust, however, that in the altered circumstances of the day this will not continue to be so. I feel too that we in this Senate, holding the position of elder statesman, will be able to discuss the most contentious matters in a more calm spirit than may always be possible in another place.

Sir, I find some confusion of thought exists in this city owing to a parallel being drawn between this House and the House of Lords. With deference, Sir, I submit that this is somewhat unfair—indeed

I had almost said, speaking from a purely legislative point of view, unflattering to us. The House of Lords is a large hereditary body: most of its members seldom attend debates. Our House is a small select body, elected for the purpose of considering its problems in a calm and, I am happy to add, in a cool atmosphere; and may I add that I have no doubt, Sir, under your guidance, that the tone of our deliberations will not detract from the atmosphere of prestige into which we have been elected. I do not think the Government is deserving of censure if they take precautions to prevent a circumstance arising, or things being said that may give rise to any disturbance of the public peace; nor can I subscribe to the view that any officer is deserving of censure in this matter. If Government orders exist, it is the task of its officers to execute those orders in the formal course of their duties.

I maintain, Sir, that fundamentally in dealing with the problem of detenus there is no difference between us, for I maintain that all of us wish to do our best for the boys but I would ask the House to reflect that youth stands in need of guidance and correction: it is especially taught in the Koran, Bible, Chanakya and other sacred books. I maintain that our views are the views of religious men. I suggest that to adopt the other course is to assist those who would gladly see this country a second Russia—a country without family life, a country without God. I ask you to view the matter in a paternal spirit. Is it wise to give the matter the undue publicity or romance of the Press? Ministers are now entirely responsible for Law and Order and they are dealing energetically with the matter: why should we seek to inflame a wound which we believe is in process of healing? Does it not make matters more difficult for responsible Government? I ask you to exercise a little patience for while Government has a duty to youth, they have also a duty to civilisation as against anarchy and terror.

I oppose the motion.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, we are all on a sudden confronted with a motion for adjournment of the business of this Council for the purpose of discussing a definite matter of urgent public importance, viz., the situation created by the Press Officer's letter to the Editors of the Calcutta newspapers drawing their attention to a Government notification prohibiting publication of any information relating to the Detenu Day.

At the very outset the question arises in our mind why is this motion. What is its significance?

A motion for adjournment affords the opportunity for passing judgment over the action of the Government and furnishes a means by which

any commission or omission of any department of Government may be criticised and even censured. In this light let us examine if there is reasonable ground and fit occasion to bring a motion like this.

At the first sight the matter looks large and appears to be quite worthy of our sincere sympathy and best attention. As a matter of fact we are all opposed to any measure curtailing the liberty of newspapers except on very emergent occasion or under unavoidable circumstances but on a careful analysis of the case we find that the notification objected to was issued by the Political Department of the Government under the Press Emergency Act as far back as in May of 1935—long long before the present popular Ministry came into existence. In that view of the fact we can by no means hold the present Ministry responsible for that notification. This motion for adjournment seems to me to be a mere side attack on the popular Ministry to vilify them for an action done by their predecessors long ago. This reminds me of the old story of the Wolf and Lamb in Aeosop's Fables.

It is not understood under what peculiar circumstances the Government felt the necessity for prevention of publication of news concerning the detenus. I hope, however, that the Hon'ble Minister in charge of the Home Department who is fortunately present here will be pleased to throw some light on the matter.

Be that as it may, I feel sorry that with all my sympathy for the Press and anxiety for its freedom I cannot see my way to lend my support to the motion under consideraion for more than one reason.

It is clearly laid down in section 105 of the Bengal Legislative Council Rules and Standing Orders that the right to move the adjournment of the Council is subject to the restriction that the motion must be restricted to a specific matter of recent occurrence.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Can he refer to that?

Mr. PRESIDENT: Order, order.

Khan Sahib ABDUL HAMID CHOWDHURY: Now I ask, Sir, and I ask with all seriousness if by any stretch of imagination a notification of 1935 may be considered as a matter of recent occurrence?

Mr. PRESIDENT: Hon'ble member should have raised that objection when leave for adjournment was asked for and the permission was given. It is too late in the day now to raise the point.

Khan Sahib ABDUL HAMID CHOWDHURY: Well, Sir, it is only four months that the present Ministry have taken upon themselves the execution of their offices. True it is that a reminder has been issued by the Press Officer during the short period of the present Ministry by way of drawing attention of the newspaper Editors to the notification issued long ago, but that reminder cannot be understood as a direction. Simply their attention has been drawn to that notification, which did not expire and was still in force.

In this view of the fact I am definitely of opinion that it will be quite unfair to pronounce any verdict on the conduct of the Ministry at the very commencement of their administration without giving them sufficient time and opoprtunity to study the situation.

Let us, however, hope that the present Cabinet will examine the case carefully and dispassionately and revise the decision of their predecessors with as little delay as possible.

Under the circumstances just stated by me I beg of our friend, the proposer of this motion and most humbly appeal to him, to give the Cabinet a chance and let them study the position and there may be occasions when we also may see our way to join hands with our friends on the side opposite and demand explanation of the Ministry for their conduct of affairs. With these few words, Sir, I conclude my speech with an appeal again to the proposer of this motion to withdraw it which course I am sure is bound to produce the desired effect.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I rise to oppose this motion on the sole ground that it is not a definite matter of public importance.

Mr. PRESIDENT: Order, order. I have ruled that the proper time to take this objection was when the leave for adjournment was sought for.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I say this is a storm in a tea pot. Is it a motion? I may say almost a propaganda, to help the cause of the detenus: it is a propaganda to damage the Ministry. Anyway, let me not be misunderstood that I have no sympathy for the detenus because among the detenus I have some of my friends and relations.

Mr. PRESIDENT: This is also not the point at issue. It is a very narrow issue—the order of the Press Officer. The detenu question is not before the House.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I say that the Press Officer issued the notice for the benefit of the Press proprietors and he should have received congratulations from the Press, because the

Press Officer knew that if certain newspapers published these things without knowing the consequences, they would be liable to prosecution for violating the law.

Was it not the duty of the Press Officer to warn them that there was a law and that that law had been validated by an Order in Council? My friend has pointed out that from the 1st of April, 1937, all laws have disappeared, but, Sir, there is a validating Act, known as the Government of India (Adaptations of Indian Laws) Order specifically validating the Press Emergency Act, and, therefore, section 19B of that Act is still in existence. Then, Sir, my sole object in opposing this motion is that there are other places for propaganda than in this Council. Here, Sir, we are engaged in serious legislative business, and why should we have to give notice of adjournment motions on flimsy grounds when we have more urgent business to do? I feel that the Press Officer, as has been already said, has done some service to the Press by issuing this notice and reminding them of its existence. (Cries of "Shame, shame.") I might say to those people who are advocating that the liberty of the Press has been attacked by the notice that they—I mean the Press people—could have defied the law and created an agitation. But none of them dared to defy the law. They knew that editorial comments on the subject of detenus were going on in their papers in galore every month and almost every day of the year. Anyway, Sir, I think that this House should realise that the order issued by the Press Officer—I do not hold any brief for the Press Officer, nor for the Ministry, but the truth has to be told—when I read something in the Press about this notification I realised that the Press Officer did do a distinctly good service to the Press by warning them of this notification. After all, Sir, that section of the Press, which has taken a deep interest in the detenu question, is not alone affected; there are other newspapers which are also affected. Had not the Press Officer sent this warning to all the newspapers, they would have published news about the Detenu Day in their papers and their security would have been liable to forfeiture. Some of the Press owners have not got sufficient fund, and they would perhaps have been ruined by publication. Therefore, Sir, I oppose the motion.

Mr. D. J. COHEN: I move that the question be now put.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the mover of this motion, Mr. Kamini Kumar Dutta, has made an extremely provocative speech. I do not propose to follow him on that line but would like to assure the House that if an occasion arises and they feel convinced of the necessity, this Government will not shirk their responsibility; nor will they hesitate to act when it is necessary to act. As regards the

motion itself—the merits of the question—it is obvious that there is a great deal of misunderstanding about it. The legality of the notification has been questioned, and I am surprised that an experienced lawyer and well-known politician like the mover of the motion has failed to recognise the fact that under paragraph 9 of the Government of India (Adaptations of Indian Laws) Orders, 1937, every notification, every order, and every bye-law, which was in existence prior to the institution of the present Reforms, *ipso facto*, becomes law and continues in existence after the 1st of April 1937. Therefore, the legality of the thing cannot be questioned. The notification has the force of law, and until the notification is withdrawn, it has the same effect as it had when it was first issued. On that question there cannot be any doubt whatsoever. But, supposing for argument's sake that you were to accept the position that this notification was illegal, then I maintain that no criticism can be made, and no question can be raised about the warning given by the Press Officer. If his warning was based on something which was illegal and which had got no value, the Press could easily have gone on and ignored the warning. If the law did not exist, no action could have been taken, and even if Government had perversely taken action the Press could have gone to the High Court and got the order cancelled. Therefore I consider that the Opposition have taken a most illogical attitude.

Then, Sir, let me explain the position. Actually what has happened? So far as the order or notification is concerned, as has been stated by several members of this House, it was promulgated as long ago as 1935 and it has been in existence all this time. The present Government had no time and they did not think of the matter or consider the question at all, and the Press Officer in the normal course of his duties and purely with the object of helping the Press and as a matter of courtesy drew the attention of the newspapers to the existence of this notification, and it is extremely unfortunate that they should have taken exception to an act of courtesy—and an act of kindness I may state. Had the papers not been thus warned and had they published information about detenus, Government if they had so liked could have taken action against them, and they would have had no reply whatsoever——

Dr. RADHA KUMUD MOOKERJI: May I, Sir, rise?

The Hon'ble Khwaja Sir NAZIMUDDIN: I refuse to give way, Sir.

Mr. PRESIDENT: Unless the Hon'ble Minister gives way, you cannot interrupt except on a point of order.

Dr. RADHA KUMUD MOOKERJI: It is in a way, Sir, a point of order. Are not principals responsible for the work of their agents?

The Hon'ble Mr. NALINI RANJAN SARKER: No, it is not a point of order.

The Hon'ble Khwaja Sir NAZIMUDDIN: I consider that it is most unfortunate that the Press and the Opposition should have taken exception to an act of kindness and courtesy done by the Press Officer in saving newspapers from the consequences of their action which might have entailed loss to them. If the papers had published such information and Government had taken action, nobody could have questioned either the right of Government to take action nor could they have put them in the wrong. But the responsibility of taking action or not rested entirely on the papers concerned. The Press Officer merely drew attention to a fact,—and nothing more,—to the existence of a law of the land, and anybody else would have done it. I do not see, therefore, what justification, what reason, and what cause there can be for all this fuss. After all, if the Opposition or the Press or anybody had any grievance, they could have drawn the attention of Government to it beforehand. They could have brought to the notice of Government that such an order existed and ask if Government would consider the question of removing that order. They were all sleeping; they took no notice and had forgotten all about it. I do not know how responsible people could forget things like this. The Press Officer goes out of his way to help them but is being taken to task—which I consider to be a most unfortunate circumstance.

So far as the Government are concerned, they have not considered the question. The thing was done by the Press Officer and there is no question of Government accepting responsibility, because the Press Officer has not done anything that is not correct or right, and he was perfectly entitled to do what he has done. As I have said more than once, it was purely with the object of helping the Press that he issued that notification.

Now, Sir, so far as the future is concerned, Government are very anxious to discuss the question of detenus in the Council and in the Assembly. They want a straight discussion on it and notice of various resolutions on this subject has been given in the Council and in the Assembly. We would welcome that one of the resolutions should be taken up and discussed and afterwards Government will be prepared to consider the whole question of the notification. I would like to make it clear that this matter is one which requires fairly serious consideration. I have deliberately kept out of discussion the question of legality, or rather the moral question, about detention without trial, because that is an issue that will come up before the House very soon. I also do not like to enter at this stage into a discussion on the question

of the effect of Press propaganda on the detenu question and that of political prisoners, because I think that that question too will come up very soon before the legislature. But I would like to draw the attention of the members of this House to the fact that Press propaganda which is being carried on—attacks made without justification or without containing facts—has had a very bad effect, and no Government can afford to ignore an agitation or Press progaganda which may lead to serious consequences; but so far as this particular notification is concerned, Government will be prepared to consider this question after a discussion in the Assembly and the Council over the detenu question.

Mr. NAZIRUDDIN AHMAD: Mr. President, Sir, the adjournment motion is really a tempest in a tea pot. I believe, from what has fallen from the lips of the Hon'ble Khwaja Sir Nazimuddin, that the Press Officer in this case has done nothing beyond giving the Press a notice of the existence of a certain living circular. I think the Press Officer has done a very right thing in drawing the attention of the Press to an existing law, and it was up to the Press to act upon it or not as it pleased them. I find, however, that there is a tendency at the left of this House to give notice of motions of adjournment on very frivolous grounds. It is clear and apparent to everybody——

Mr. PRESIDENT: Order, order. When it has been decided by the President that the adjournment motion is in order, you cannot question it.

Mr. NAZIRUDDIN AHMAD: With the greatest respect to you, Sir, I submit that I fully accept your ruling that, *prima facie*, it is a good motion for adjournment. I do not dispute that, I admit that on account of your ruling, a point of order does not rise. But we have to vote on this motion and for that purpose we have got to consider whether this adjournment motion is frivolous or substantial. It was from this point of view and not to question the legality or the regularity of the motion, that I was referring to it.

Mr. PRESIDENT: I may tell the House that I shall not allow any frivolous motion.

Mr. NAZIRUDDIN AHMAD: Sir, that makes me absolutely helpless. If the ruling of the President is that to allow any motion means——

Mr. PRESIDENT: That is not the point. When I have allowed it, you must take it that it is not a frivolous motion, because otherwise I would have disallowed it.

Mr. NAZIRUDDIN AHMAD: Sir, it is said that the liberty of the Press has been affected, but is the Press in this country as responsible as the Press in England? The practice in England cannot be applied here.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: On a point of order, Sir. Is this relevant whether the Press here is less responsible than the Press in England?

Mr. NAZIRUDDIN AHMAD: I think, Sir, that the less these matters about the detenus are discussed in the Press the better for the younger generation. So far as we are concerned, we have become old. Some of us, who were young at the time, were affected to a great extent when this movement was started in 1903-04. We may be too old to be affected now by the agitation in the Press over these matters but I do believe that these agitations in the Press have a tremendous effect on the younger generation—both boys and girls. Just look at the boys and girls who have been spoilt for ever. It is not our sympathy, it is not our good words for the terrorists that will make them better. Rather, these agitations in the Press will feed the movement and it is for this reason that the more the agitation in the Press is checked the better. I think hot and sensational news in the Press about the detenus sells very quickly in the market, and newspaper proprietors, although they know the danger to which they expose their young people thereby, have to indulge in them to satisfy their readers. But I believe a warning notice of this kind makes them inwardly grateful to the Government in that they can, with justification, go on without writing sensational things about the detenus. For these reasons I submit that the Press has been saved from indulging in a very dangerous game by a timely warning, and if this state of things goes on I think matters would gradually improve. We have already seen that there has been a tremendous improvement in terrorist crimes because the Press, by a good will, on account of good understanding between Government and themselves, were not for some time past writing exciting articles as they had been doing before. Many public men have preached the doctrine of co-operation and non-violence in schools and on the platform, and it is because the Press did not write sensational articles about this that the situation has been steadily improving. If, on the other hand, on the Detenu Day, hot speeches were delivered and if they were to be broadcast by the Press then all the efforts, by which this good situation has been created in all these years, would be entirely fruitless. In these circumstances, Sir, I submit that the act of the Press Officer has been a very judicious one and it is a beneficial act for which all well-wishers of the country ought to be grateful.

Dr. RADHA KUMUD MOOKERJI: Sir, I have listened with a good deal of attention to the speech made by the Hon'ble Minister who is connected with this motion that we are discussing now. Of course, I could not give him my entire attention, because all the time I felt that I was listening after all to a speech of one who is not intimately connected with us as a member of this House. I always felt diffident about speeches which are not supported by the weight of a vote behind them. I was going to say that it looked like some irresponsible utterance and threatening to convert a meeting of this legislature into a public meeting, and I think that the Chief Minister's attention should be promptly drawn to this serious anomalous state of things which would have been obviated entirely by a different course of action had it been taken earlier, and I go further, and say that we, this Upper House, have been very much neglected under the present Constitution. It is forgotten that this Upper House has been invested with large powers and responsibilities, following the Bryce Committee's recommendations on Second Chambers, and is entitled to representation in the Cabinet.

Now, I have listened to the Government case on the subject, and I am astounded at the character of the case that was built up by such an able Minister as the Hon'ble Home Minister. I am afraid, Sir, although you have given an adverse ruling, still I beg leave to say, that the subject matter of this motion involves issues and consequences which travel far beyond the limits of its mere wording. These issues and consequences are viewed differently by members according to their different political complexion. (Hear, hear). One of the esteemed speakers preceding me, Mr. McKerrow, thought that India would rival Russia very soon, but perhaps he is not a historian and he does not keep abreast of the times. Well, the other day, Sir John Simon, as Foreign Secretary, went all the way to Moscow to negotiate an honourable Anglo-Russian settlement, as a result of which "God Save the King" was sung along the streets of Moscow. Therefore he need not be scared away by the name Russia, for after all Russia may stand for the world-order that is coming. People indulge in cheap jokes about Russia who would not care to inform themselves correctly.

Now about the subject matter of this motion. I find that at one stroke this Government has really struck a blow at several elementary civil liberties and rights. It is not that a mere right of the Press has been curtailed but if you look beyond the terms of the notice you will find that really this order has struck a blow at the primary rights of citizens, the rights of association, of holding public meetings, and so forth, so that it gives rise to a series of consequences by which the entire structure of primary civil rights is shaken and if we are to believe that coming events cast their shadows before, we may know what kind of shadow is lengthening itself across our political horizon.

Well, Sir, I do not know why this Government is not willing to take fu responsibility for an executive order. I think, Sir, that the Ministe himself thus stands self-condemned on account of inefficiency. H takes shelter under the plea that he did not know that an underling c his department was issuing an order which is thought to be of very littl consequence to the liberties of the people, and the underling did nc have the commonsense to find out whether this order was fraught wit serious consequences. This sort of frivolity in administrators must b checked. It was his duty to bring it to the notice of the Head of hi Department and the Head of the Department must not take shelte under the plea that he did not know what was going on in his depar ment. As principal he is bound by the acts of omission and commissio of his agents——

Mr. NAZIRUDDIN AHMAD: On a point of order, Sir. Th hon'ble speaker was just saying that the master is responsible for th acts of his servants. That is a principle of law applicable t certain——

Mr. PRESIDENT: Please state your point and not make a speech What is the point of order?

Mr. NAZIRUDDIN AHMAD: My point of order is that the speake is blaming the Hon'ble Home Minister for his alleged taking shelte under an executive order and has insinuated that he knows everythin but he takes shelter in a rather undignified manner——

Mr. PRESIDENT: It is a new House and I should like to remin the members that in a point of order you are to precisely state your cas and not make a speech.

Dr. RADHA KUMUD MDOKERJI: Sir, I made it quite clear jus now that I believe the Hon'ble Khwaja Sir Nazimuddin was perfectl well-intentioned and was honest when he stated the bare fact but tha does not absolve him from the responsibility of his exalted office and i was certainly the duty of his underling to have understood the pro digious consequences of this order and should have obtained for it th order of the Head of his Department first. As I have alread explained——

The Hon'ble Mr. H. S. SUHRAWARDY: Is it proper that an member of the House should refer to a high executive officer as an under ling? Is that a parliamentary word that should be allowed——

Mr. PRESIDENT: Order, order. That is allowed: that is no unparliamentary.

Dr. RADHA KUMUD MOOKERJI: However I may easily chaste my language. I would say that this dignitary of the Home Departmen

should have ordinary commonsense to consult the Head of his Department about something which is shaking the country from one end to another. Now, what is the situation that is facing us to-day? This much vaunted provincial autonomy of Bengal is in the safe keeping of the Council of Ministers who have formed themselves into a happy family and a sporting eleven. But what are the conditions they are leading us to at a time when one province after another among the six Congress Government provinces have already begun their administrative duties not by treating a matter as if it still merits consideration, but by treating it as an accomplished fact which does not need any further consideration because it has been before the country for years. You cannot go on eternally taking the plea that this is a grave matter of public significance and therefore requires time for fresh consideration. Well, all these six Congress Governments who rule over the majority of the population of India have started with the goodwill of the respective Governors and here this Council of Ministers is even making our own Governor deviate from democratic ideals. The Governors of all those six provinces have agreed with their Ministers to begin their new regime not by a fresh consideration of the problem that affects us to-day but by taking a decision at once by releasing all political prisoners. I should think that in this province of Bengal which is the home of freedom and which has made the greatest contribution towards the development of democratic traditions of this country --in this land of freedom it is a matter of great public regret to be confronted by this picture of reactionarism, and I should think that our Council of Ministers will at once take proper steps and rehabilitate themselves in the public esteem which they are fast losing. Now, in my opinion also what is done in Bengal contradicts what is being done elsewhere and this really shows up the character of the new Constitution in its true colours. There may be a dose of democracy in one or two places but there is enough of autocracy still functioning and by this order we really visualize the real character of the constitution, stripped of all its democratic trappings and paraphernalia. You have in this Constitution a very costly and pompous show of democracy but in reality there is no substance of freedom behind all this show so that whenever you like, you can strike a blow at some of our elementary——

The Hon'ble Mr. H. S. SUHRAWARDY: But what is being clamoured for is licence in the name of freedom.

Dr. RADHA KUMUD MOOKERJI: The Hon'ble Minister will certainly have his own chance to speak but he cannot go on making a running commentary on my speech.

Mr. PRESIDENT: Yes, I would request everybody not to make interruptions.

Dr. RADHA KUMUD MOOKERJI: Sir, the Congress is essentially right in the attitude it has taken. This Constitution has given us no real democracy. Our attitude should be to make earnest efforts to combat this Constitution and to end it and have it replaced by a Constitution which will not be a mere show of democracy but which will give us the real substance of freedom.

The Hon'ble Mr. A. K. FAZLUL HUQ: You want another Round Table Conference.

Dr. RADHA KUMUD MOOKERJI: I am really surprised at some of the remarks made by the Ministers who come here, as I have already told you, without any sense of responsibility given by the possession of a vote. I have made some researches about the lineage and parentage of this order. I find that there is a hint that it emanated from the brain of a high dignitary of the Home office; perhaps it emanated from that wide field of the Governor's special powers and responsibilities which are a close preserve. Then, later on, I find the Hon'ble Ministers, not this person or that, but the Hon'ble Ministers themselves—the Council of Ministers—are ultimately responsible for this kind of order by which they have dared trample down upon some of the most elementary civil rights and liberties. I should think that this Council should beware of the new regime which has started with such a very disappointing performance. Lastly, with your permission, Sir, I would refer to one great event, namely, that the whole question of the detenus is going to take on an entirely different colouring on account of a statement which has been published before this order was promulgated, a statement which was published by a person whom we hope very soon to hail as President of the Congress—I mean Mr. Subhas Chandra Bose—who himself has made the finest possible gesture on the subject. I thought that that should have been taken advantage of by the present Government and that they should not have further complicated matters by issuing these notices without proper forethought, as has been admitted by the Hon'ble the Home Minister.

Mr. HUMAYUN KABIR: In rising to speak upon this motion of adjournment, I wish to confine my remarks only to the speech of the hon'ble member who has just sat down and also to that of the Hon'ble the Home Minister. The Hon'ble the Home Minister made it quite clear in his speech that so far as the legality of the Press order is concerned, if there were any doubts about it, the Press was at liberty to go to a court of law, and I agree, that when the order was issued by the Press Officer, he was merely carrying out his ordinary duties in publishing this order. Therefore, I would submit that the conduct of the Press Officer is not a matter for consideration here. If any one has to take the responsibility, it is the Hon'ble Home Minister, and he has made it quite clear in his speech that having taken charge of his office

only a few months ago, and having many other important matters to consider, this particular issue has escaped his attention. It may be a case of inefficiency, but then efficiency differs from person to person and we cannot expect any human being to do everything possible within a limited time. I would therefore submit that the hon'ble the Leader of the Opposition, though he was right from the strictly legal point of view in questioning the competence of the Hon'ble Minister and criticizing his action, should take the opportunity of the spirit of good will which was shown by the Hon'ble the Home Minister and of an offer to make an amicable settlement of the whole question. I also submit that since the matter has come to the notice of the Ministry, the Home Minister should give due consideration to this question. It is a question which agitates everyone of us, and I would appeal to the Hon'ble the Home Minister to withdraw the order restricting the liberty of the Press——

Mr. NAZIRUDDIN AHMAD: On a point of order, Sir. The Hon'ble Minister never stated that it was an order restricting the liberty of the Press.

Mr. HUMAYUN KABIR: It was not a statement of the Home Minister that I was referring to, but it was an appeal by myself to him that after a consideration of the whole circumstances he would withdraw the order. I would also appeal to the Leader of the Opposition and to the mover of the motion that when Government have given us an assurance that they are going to consider the question, they will withdraw this motion of adjournment and give the Ministry an opportunity of rectifying their errors and taking proper steps to safeguard the liberty of the Press. We on this side of the House do not stand behind anybody, do not yield to anyone, in our zealous support for the liberty of the Press. We are fully aware of the restrictions which are sought to be imposed upon the publication of certain dangerous doctrines. But, in fact, they are not suppressed by such restrictions; they are merely driven underground, which is really far more dangerous. It is far better to allow them, therefore, to stand fair criticism from all points of view. I would appeal to the Hon'ble the Home Minister that he will consider this question sympathetically and withdraw this order. I would also appeal to the Opposition to withdraw the motion of adjournment.

Mr. KAMINI KUMAR DUTTA: Before exercising my right of reply after what has fallen from the lips of the Home Minister and also some other members of this House, may I make a final appeal to the Home Minister that he will take necessary steps to withdraw the order?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add to what I have already stated, viz., that Government will be

prepared to consider the whole question after a discussion of the detenu question in the Assembly and the Council.

Mr. KAMINI KUMAR DUTTA: Now it appears that this warning letter is an illegitimate child. The Ministry is not claiming the parentage of it. It would therefore be the duty of the representatives of the people here to condemn it. It has been admitted by the European block that the atmosphere is changed; it has even been admitted by the officials that terrorism exists no more. If that is so, it is all the more incumbent upon the Ministry not to allow such repressive notifications to be published. It is well known that with the inauguration of a liberal regime terrorism cannot exist, and indeed the indication of the beginning of a liberal regime should be the withdrawal of all repressive notifications and laws. On the other hand, we find here that though the notification is not directly acknowledged to have been issued by the present Ministry, they have been trying to take shelter under that old order. It has further been said that the notification which was issued in 1935 has still a binding force, and a reference has been made to the recent India Order of 1937 as to the adaptation of the Indian laws. I submit that that would only apply in the case of a notification which was of a permanent character. There were notifications after notifications. This particular notification was issued for a particular instance. Its efficacy has been exhausted and it has lapsed automatically with the cessation of that occasion. It is not a notification of such a character that its efficacy will still remain in force. I submit that at the time of the adaptation of the old rules, this notification had already become extinct; so, you cannot revive it. It has been said that the Press did not dare disobey the order, and indeed it has been remarked that the Press ought to be thankful to the Press Officer for the publication of this notification. As to the question why the Press did not dare make a test case, I have already said that the Press knew from past experience what a test case meant, and from the attitude of the present administration they did not get any encouragement. Can it be said, after the publication of that notification, that the Ministry did not know of it? Then, even after the publication, the Ministry did not like to withdraw it; they have certainly therefore taken the full responsibility for it. It will not be fair to shirk any responsibility for it now.

It has been further said by some that this notification was nothing but simply drawing attention to the matter. Now drawing attention to what? Was it drawing attention to a dead, an extinct notification or to a notification which the present Ministry approve of. So it was not a case of purely drawing attention. It was rather, if it be said, a shadowy attempt and not a clear and direct threat to the press. Now one thing I want to make clear to all. It must be remembered that these repressive weapons—and this is certainly a repressive weapon

—the curtailing of the liberty of the press the stifling of the ventilation of public opinion—these repressive weapons to some it may seem that they are applied against a particular class of people, but it should not be forgotten that it is not only a powerful weapon which may be used against Congress workers or Krishak workers but it is such repressive weapon that if it is allowed to remain in the hands of the authorities there is every chance of its being used against anybody who would dare to act against the wishes of those in power. So it should not be forgotten that it is not only meant against those who are affected by the problem of detenus, but the vital problem is this—the repression of the liberty of the Press and the stifling of public opinion and the muzzling of ventilation of public grievances.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: May I rise on a definite point of order? Sir, in exercising the right of reply the mover is delivering a formal speech.

Mr. PRESIDENT: It is not a point of order.

Mr. KAMINI KUMAR DUTTA: From the speeches of some members it does appear to me that it is not appreciated that it is a question not only regarding the detenus but it is really a question regarding the valuable right of giving vent to our views—it is a question affecting the liberty of the press. Let us not forget for a moment that it is a weapon which will curtail our liberty, that it is a weapon which is now being used against some only may be used against you to-morrow.

Sir, it has been further said—and it has caused a painful surprise to me that all agitation ought to be stopped because it will affect the mind of the youth. This agitation regarding this detenu problem is really not meant for the youth only. Is not the whole country affected by this problem? Is it not a problem affecting the whole province? Is it not a major issue in the province? It has been admitted even from the Treasury Bench that it is really so and that the Government will fully consider the matter when the main question of the release of detenus will be considered in the House. So it cannot be said that it is a very minor issue but it is, I submit, a very important issue. So there is no use in saying that this agitation ought not to be carried on as it would contaminate the mind of the youths.

Sir, it has been further said that it is really a warning. We are all thankful not only to the Press Officer, the Ministry but to everybody because it was warning to us. If we are thankful for the issuing of this warning, the whole country ought to be thankful for all the warning and for all the repressive laws. I would once again say that issues must not be confused. We must clearly remember that to-day we are not concerned only with the detenus, but we are concerned with

the general issue regarding the liberty of the Press, we are concerned in Bengal with the right to give free vent to our grievances, the right of the Press, to give free ventilation to our grievances. The Press should not be muzzled and all public agitation should not be stopped. The main issue concerns the liberty of our movements, our civil rights and our liberty to ventilate our grievances through the Press. With these words I conclude by saying that the remedy lies in the repeal of all repressing laws, but the remedy cannot be obtained unless we can give an emphatic expression to our opinion. Whenever there is an attempt to curtail the civil liberties of the people, the representatives of the people who have come here with the pledge that they should stand and ask for the protection of the rights of the people should indicate by their action that they are here for protecting the rights of the people and not for protecting the rights of a few chosen people.

Mr. PRESIDENT: The question before the House is that the House do now adjourn.

On the President declaring that the Noes have it, Dr. Radha Kumud Mookerji claimed a division.

A division was then taken with the following result:—

AYES—12

Chakraverti, Mr. Shrish Chandra.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Datta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Pal Choudhuri, Mr. Ranajit.
Poddar, Mr. H. P.
Sanyal, Mr. Sachindra Narayan.

NOES—32

Ahamed, Mr. Nur.
Ahmad, Mr. Nazirudding.
Baksh, Mr. Kader.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhary, Mr. Khorshed Alam.
Chowdhary, Mr. Razzaqui Haider.
Chowdhury, Mr. Kumayum Reza.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Mr. S. Fazal.
Esmail, Khwaja Muhammad.
Haider, Nawabzada Kamruddin.
Hossain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohammed.
Haq, Mr. Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Lamb, Mr. T.
McKerrow, Mr. J. A.
Molla, Khan Sahib Subidali.
Momin, Begum Hamida.
Nichall, Mr. G. K.
Ormond, Mr. E. C.
Rahman, Khan Bahadur Ataur.
Rehman, Mr. Mukhlissur
Roy, Rai Bahadur Radhica Bhusan.
Roy Chowdhury, Mr. Krishna Chandra.
Shamsuzzaha, Khan Bahadur M.
Wilmer, Mr. D. H.

The Ayes being 12 and the Noes 32, the motion was negatived.

Adjournment.

The Council was then adjourned till 3 p.m., on Friday, the 6th August, 1937.

Members Present:

The following members were present at the meeting held on the 2nd August, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Banerjee, Rai Bahadur Keshab Chandra.
(6) Bose, Rai Bahadur Manmatha Nath.
(7) Chakraverti, Mr. Shrish Chandra.
(8) Chaudhury, Mr. Moazzemali.
(9) Chowdhury, Khan Sahib Abdul Hamid.
(10) Chowdhury, Mr. Khorshed Alam.
(11) Chowdhury, Mr. Rezzaqul Haider.
(12) Chowdhury, Mr. Humayun Reza.
(13) Cohen, Mr. D. J.
(14) Das, Mr. Lalit Chandra.
(15) Datta, Mr. Bankim Chandra.
(16) Datta, Mr. Narendra Chandra.
(17) D'Rozario, Mrs. K.
(18) Dutta, Mr. Kamini Kumar.
(19) Ellahi, Mr. S. Fazal.
(20) Esmail, Khwaja Muhammad.
(21) Goswami, Mr. Kanai Lal.
(22) Haider, Nawabzada Kamruddin.
(23) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(24) Hossain, Mr. Latafat.
(25) Hossain, Mr. Mohammed.
(26) Huq, Mr. Syed Muhammad Ghaziul.
(27) Ibrahim, Khan Bahadur Maulvi Mohammad.
(28) Kabir, Humayun.
(29) Khan, Khan Bahadur Muhammed Asaf.
(30) Khan, Maulana Muhammad Akram.
(31) Laidlaw, Mr. W. B. G.
(32) Lamb, Mr. T.

(33) Maitra, Rai Bahadur Brojendra Mohan.

(34) McKerrow, Mr. J. A.

(35) Molla, Khan Sahib Subidali.

(36) Momin, Begum Hamida.

(37) Mookerjee, Mr. Naresh Nath.,

(38) Mookerji, Dr. Radha Kumud.

(39) Nicholl, Mr. C. K.

(40) Ormond, Mr. E. C.

(41) Pal Choudhury, Mr. Ranajit.

(42) Poddar, Mr. H. P.

(43) Rahman, Khan Bahadur Ataur.

(44) Rahman, Mr. Mukhlesur.

(45) Ray, Mr. Nagendra Narayan.

(46) Ray Chowdhury, Maharaja Sir Manmatha Nath, Kt., of Santosh.

(47) Roy, Rai Bahadur Radhica Bhusan.

(48) Roy Chowdhury, Mr. Krishna Chandra.

(49) Sanyal, Mr. Sachindra Narayan.

(50) Sarker, Mr. Indu Bhusan.

(51) Shamsuzzoha, Khan Bahadur M.

(52) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

(53) Wilmer, Mr. D. H.

Members Absent:

The following members were absent from the meeting held on the 2nd August, 1937:—

(1) Barua, Dr. Arabinda.

(2) Chowdhury, Mr. Hamidul Huq.

(3) Jan, Khan Bahadur Shaikh Muhammad.

(4) Karim, Khan Bahadur M. Abdul.

(5) Mukherji, Rai Bahadur Satis Chandra.

(6) Rashid, Kazi Abdur.

(7) Sen, Rai Sahib Jatindra Mohan.

(8) Singh Roy, Mr. Saileswar.

(9) Sinha, Rai Bahadur Surendra Narayan.

Ministers Present:

The following Ministers attended the meeting held on the 2nd August, 1937:—

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A. (Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Sir Bijoy Prasad Singh Roy, KT., M.L.A.

(5) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(6) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(7) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, M.L.A.

(8) The Hon'ble Nawab Musharruf Hosain, Khan Bahadur, M.L.A.

(9) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(10) The Hon'ble Mr. Prasanna Deb Raikat, M.L.A.

(11) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 6th August, 1937, at 3 p.m., being the third day of the second session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-six members and nine Ministers were present.

QUESTIONS AND ANSWERS

Persons in custody of Government.

23. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the names of the persons who are still in the custody of the Government and are placed in jails or detention camps under Bengal Regulation III of 1818 or Bengal Criminal Law Amendment Acts or under any other Ordinance or law showing against each name the following particulars:—

(*i*) whether Government supplies books and newspapers;

(*ii*) names of the newspapers allowed; and

(*iii*) whether the Government supplies articles for indoor and outdoor games and for exercise?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): I regret that owing to the number of detenus and changes in the form of restraint it is not possible to supply detailed information in respect of individuals. The general practice is as follows:—

(*i*) and (*ii*) Government supply through the Imperial Library, Calcutta, books to detenus in camps and jails but no newspapers. Detenus who work for an examination are given a study allowance of Rs. 5 a month for the purchase of books. A list of newspapers which detenus are allowed to subscribe for at their own cost is placed in the Library. Additions are made to the list from time to time at the request of detenus if the publications asked for are considered suitable.

(*iii*) Contribution is made from public funds to provide sports gear and other facilities to detenus.

Mr. KAMINI KUMAR DUTTA: Is there any written record containing the information asked for in this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, there are papers, but it is very difficult to collect and put them down, especially in view of the changes that have been made from time to time in the form of restraint.

Mr. KAMINI KUMAR DUTTA: Is not the written record quite complete and would it not take a very short time to collect the papers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so.

Mr. NARESH NATH MOOKERJEE: Is it not a fact that these papers are carefully housed in the Criminal Investigation Department office and are not available to the Hon'ble Minister?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. The fact is that we have to go through a mass of papers which are not easily available.

Persons interned in villages or at home.

24. **Mr. SHRISH CHANDRA CHAKRAVERTI:** Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement containing the names of the persons interned in villages or at home and showing the following particulars against each name:—

(*i*) whether medical expenses are borne by the Government;

(*ii*) whether Government supply food and clothing and whether there is any arrangement for physical exercise; and

(*iii*) whether newspapers are allowed and, if so, the names of such papers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I regret that owing to the number of detenus and changes made in the form of restraint from time to time it is not possible to supply detailed information required by the hon'ble member in respect of individuals. The practice in regard to the general treatment of these detenus is as follows:—

(*i*) Government bear the medical expenses of detenus in village domicile when they cannot meet such expenses without hardship, or when treatment in a hospital is necessary. Government are not responsible for the treatment of detenus interned in their homes.

(ii) Government pay an allowance to detenus which is considered to be adequate for the supply of their wants. Detenus can make their own arrangements for physical exercise.

(iii) Detenus are allowed to obtain newspapers with the approval of the Superintendent of Police. There is no list of approved newspapers for these detenus.

25. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement containing the names of the persons interned in villages or at home and showing the following particulars against each name:—

(i) weight first taken after the arrest;

(ii) latest weight taken with the date thereof; and

(iii) lowest weight on the record with the date thereof?

The Hon'ble Khwaja Sir NAZIMUDDIN: No record of the weight of detenus in village and home domicile is maintained.

Persons in custody of Government.

26. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the names of the persons who are still in the custody of the Government and are placed in jails or detention camps under Bengal Regulation III of 1818 or Bengal Criminal Law Amendment Acts or under any other Ordinance or law showing against each name the following particulars:—

(i) university qualification, if any;

(ii) age;

(iii) previous occupation, if any; and

(iv) home address?

The Hon'ble Khwaja Sir NAZIMUDDIN: With your permission, Sir, I propose to answer Questions Nos. 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42 together.

The information desired by the hon'ble member is not available, and cannot be obtained without an expenditure of time, labour and money which Government are unable to undertake.

27. Mr. SHRISH CHANDRA CHAKRAVERTI. Will the Hon'ble Minister in charge of the Home Department be pleased to lay

on the table a statement containing the names of the persons interned in villages or at home and showing the following particulars against each name:—

(*i*) university qualification, if any;

(*ii*) age;

(*iii*) previous occupation, if any; and

(*iv*) home address?

(*Vide* the answer to question No. 26.)

28. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement containing the names of the persons interned in villages or at home and showing the following particulars against each name:—

(*i*) how many times admitted into hospitals inside or outside the jail or camp with—

(*a*) the names of the hospitals,

(*b*) period of stay therein, and

(*c*) the disease diagnosed or suspected;

(*ii*) medical report of the present condition of health with special reference to eyes, teeth, lungs, heart, stomach, brain; and

(*iii*) besides removal to hospitals, how many times medically treated since his arrest with dates thereof?

(*Vide* the answer to question No. 26.)

29. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement containing the names of the persons interned in villages or at home and showing the number of interviews granted to each such person?

(*Vide* the answer to question No. 26.)

30. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement containing the names of the persons interned in villages or at home and showing the number of times leave was granted to each such person for going home on special occasions?

(*Vide* the answer to question No. 26.)

31. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay

on the table a statement containing the names of the persons interned in villages or at home and showing the following particulars against each name:—

(*i*) date of arrest;

(*ii*) names of the places where he has been kept since the date of arrest;

(*iii*) dates and periods of previous detentions, internments or convictions, if any; and

(*iv*) any conviction during the period since his arrest for infringement of jail or camp rules or restriction orders and the description of punishment, if any?

(*Vide* the answer to question No. 26.)

32. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement containing the names of the persons interned in villages or at home and showing the following particulars against each name:—

(*i*) amount of personal allowance granted originally;

(*ii*) amount of personal allowance granted at present;

(*iii*) costs of living;

(*iv*) local prices of rice, *dal*, fish, meat, egg, vegetables, oil, *ghee*, spices, flour, sugar, milk and fuel or coal;

(*v*) the prices at which these articles are available for the internee;

(*vi*) who markets for him, and for what remuneration, if any;

(*vii*) monthly pay of a cook or a servant;

(*viii*) amount of family allowance originally granted;

(*ix*) amount of family allowance, if varied, with dates thereof; and

(*x*) number of family members?

(*Vide* the answer to question No. 26.)

33. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement containing the names of the persons interned in villages or at home and showing against each name the number of applications made by or on behalf of any member of his family regarding grievances about absence or inadequacy of allowance?

(*Vide* the answer to question No. 26.)

34. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay

on the table a statement showing the names of the persons who are still in the custody of the Government and are placed in jails or detention camps under Bengal Regulation III of 1818 or Bengal Criminal Law Amendment Acts or under any other Ordinance or law showing against each name the following parti ulars:—

(*i*) weight first taken after the arrest;

(*ii*) the latest weight taken with the date thereof; and

(*iii*) the lowest weight on the record with the date thereof?

(*Vide* the answer to question No. 26.)

35. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the names of the persons who are still in the custody of the Government and are placed in jails or detention camps under Bengal Regulation III of 1818 or Bengal Criminal Law Amendment Acts or under any other Ordinance or law showing against each name the following particulars:—

(*i*) place of detention:

(*ii*) dates of arrest and detention;

(*iii*) dates and period of previous detention;

(*iv*) dates of conviction by a court, if any;

(*v*) conviction by a court during the period of detention, if any quoting the section of law under which convicted and the punishment inflicted; and

(*vi*) description of the punishment under the Jail Code or the Camp Code, if any?

(*Vide* the answer to question No. 26.)

36. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement containing the names of the persons interned in villages or at home and showing the following particulars against each name:—

(*i*) place of internment, showing—

(*a*) the description of the house in which he is accommodated,

(*b*) the distance of the nearest medical dispensary,

(*c*) the distance of the nearest market,

(*d*) the distance of nearest *bhadralog basti*, and

(*e*) the distance of the nearest source of water supply:

(*ii*) whether any cook or servant is available; and

(*iii*) climate and sanitary condition of the place?

(*Vide* the answer to question No. 26.)

37. **Mr. SHRISH CHANDRA CHAKRAVERTI:** Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the names of the persons who are still in the custody of the Government and are placed in jails or detention camps under Bengal Regulation III of 1818 or Bengal Criminal Law Amendment Acts or under any other Ordinance or law showing against each the number of interviews granted to such persons?

(*Vide* the answer to question No. 26.)

38. **Mr. SHRISH CHANDRA CHAKRAVERTI:** Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the names of the persons who are still in the custody of the Government and are placed in jails or detention camps under Bengal Regulation III of 1818 or Bengal Criminal Law Amendment Acts or under any other Ordinance or law showing against each name the following particulars:—

(*i*) the number of times such person was admitted into hospitals inside or outside the jail or camp with—

(*a*) the names of the hospitals,

(*b*) period of stay therein, and

(*c*) the disease diagnosed or suspected;

(*ii*) medical report on the present condition of health of such person with special reference to eyes, teeth, lungs, heart, stomach and brains; and

(*iii*) besides removal to hospital the number of times such person was medically treated while in the jail ward or cell?

(*Vide* the answer to question No. 26.)

39. **Mr. SHRISH CHANDRA CHAKRAVERTI:** Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the names of the persons who are still in the custody of the Government and are placed in jails or detention camps under Bengal Regulation III of 1818 or Bengal Criminal Law Amendment Acts or under any other Ordinance or law showing against each the number of times leave was granted to such persons for going home on special occasions?

(*Vide* the answer to question No. 26.)

40. **Mr. SHRISH CHANDRA CHAKRAVERTI:** Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the names of the persons who are still

in the custody of the Government and are placed in jails or detention camps under Bengal Regulation III of 1818 or Bengal Criminal Law Amendment Acts or under any other Ordinance or law showing against each name the physical injury, if any, on the bodies of such person during detention, giving the following particulars:—

(*a*) due to what incident;

(*b*) the nature of the injury;

(*c*) period of suffering; and

(*d*) whether completely cured now?

(*Vide* the answer to question No. 26.)

41. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the names of the persons who are still in the custody of the Government and are placed in jails or detention camps under Bengal Regulation III of 1818 or Bengal Criminal Law Amendment Acts or under any other Ordinance or law showing against each name the following particulars:—

(*i*) the number of applications relating to the grievances of his family made by or on behalf of any member of the family; and

(*ii*) orders, if any, passed on such application or applications?

(*Vide* the answer to question No. 26.)

42. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the names of the persons who are still in the custody of the Government and are placed in jails or detention camps under Bengal Regulation III of 1818 or Bengal Criminal Law Amendment Acts or under any other Ordinance or law showing against each name the following particulars:—

(*i*) amount of personal allowance granted originally;

(*ii*) amount of personal allowance granted after reduction, if any, with the date thereof;

(*iii*) amount of family allowance originally granted;

(*iv*) amount of family allowance after each variation, if any, with dates thereof; and

(*v*) the number of members in his family?

(*Vide* the answer to question No. 26.)

Registered factories.

43. Mr. LATAFAT HOSSAIN: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to lay on the table a statement showing—

(*i*) the number of registered factories which are at present existing in—

(1) Calcutta,

(2) the 24-Parganas,

(3) Howrah, and

(4) Hooghly;

(*ii*) the number and the names of the factories that have been inspected by the Inspectors of Factories during the period from January, 1935, to July, 1937, as regards their sanitary conditions and working hours; and

(*iii*) the number of prosecutions, if any, made on account of violation of the terms of the Factories Act?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): Statements are laid on the Library table.

(*i*) Statement (A).

(*ii*) Statement (B).

(*iii*) Statement (C).

House for Bengal Legislative Council.

44. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state what steps Government have taken to build a separate house for the accommodation of the Bengal Legislative Council?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government have decided to construct as soon as possible a separate building for the accommodation of the Legislative Council.

Mr. BANKIM CHANDRA DATTA: Will the Hon'ble Minister be pleased to state whether any plans and estimates have been prepared, whether a site has actually been selected, and whether provision has been made in the budget for the construction of the building?

The Hon'ble Khwaja Sir NAZIMUDDIN: No provision has been made in the budget, but the Public Works Department have been requested to prepare plans and estimates. A site has also been provisionally chosen.

Mr. BANKIM CHANDRA DATTA: Where has the site been chosen?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot say just now without looking into the papers. I want notice.

Political prisoner Miss Suniti Choudhury.

45. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minster in charge of the Home Department be pleased to state whether Miss Suniti Choudhury is the only female political prisoner now in the Dacca Jail?

(*b*) Has she no associate in the jail except female criminal prisoners?

(*c*) Has she been classed as a "C" division prisoner?

(*d*) Does she come of a respectable and educated family?

(*e*) (*i*) Was she herself educated in an English school and (*ii*) was her father a Government servant?

(*f*) Will the Hon'ble Minister be pleased to state whether Government in making classification of prisoners takes into consideration the mode of life to which a prisoner is accustomed or his or her political views?

(*g*) Will the Hon'ble Minister be pleased to state the reason why this lady has been placed in the "C" division?

(*h*) Will the Hon'ble Minister be pleased to state whether Government is contemplating to transfer her to a jail where she may have associates similar to her own status in life?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) She is the only female in Dacca Jail convicted of a terrorist offence (murder).

(*c*) She has been classed as a Division III prisoner.

(*d*) and (*g*) She was not considered to have been accustomed to a superior mode of living.

(*e*) (*i*) and (*ii*) Yes.

(*f*) Prisoners are classified according to the mode of living to which they were accustomed before conviction.

(*h*) I do not propose to transfer her to another jail; she has the company of other female prisoners.

Mr. LALIT CHANDRA DAS: Is it not a fact that the father of this girl was a clerk in the Tippera Collectorate?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. LALIT CHANDRA DAS: Is it not a fact that he is a Government pensioner?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes; he is a Government pensioner.

Mr. LALIT CHANDRA DAS: Is it not a fact that he belongs to a respectable *bhadralok* family of Tippera?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe, that is correct.

Mr. RANAJIT PAL CHOUDHURY: Is the Hon'ble Minister, in view of the statement just made by him, prepared to classify her in a higher division?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I submit that this is a request for action?

Mr. PRESIDENT: Yes.

Mr. LALIT CHANDRA DAS: Is it not a fact that the trying Magistrate originally recommended Class B for her?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Detenu Miss Kamala Chattopadhyaya.

46. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Miss Kamala Chattopadhyaya, B.L., is the only political detenu in the Midnapore Jail?

(*b*) Is her mother very ill?

(*c*) Has she no brothers nor any other near relations?

(*d*) Has her mother applied for the release of Miss Kamala Chattopadhyaya on any reasonable condition for attending her lonely mother on her sick bed?

(*e*) What steps does the Hon'ble Minister propose to take for her early release?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The lady is not detained in any jail.

(*b*) and (*c*) I have no information.

(*d*) No.

(*e*) The lady will be released from all restraint as soon as she gives a clear indication of her intention not to resume those terroristic activities which made it necessary to detain her.

Revenue revisional proceedings.

47. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether Revenue revisional proceedings generally result in enhancement of the rent of *raiyats*?

(*b*) Is it a fact that there has been considerable fall in the prices of food crops within the last 10 years?

(*c*) Is it a fact that prices of food crops now prevailing are more than 25 per cent. less than the prices prevailing in the decade before 1929?

(*d*) Is it not a fact that enhancements made in the rent now, causes hardship to the *raiyats*?

(*e*) Is the Hon'ble Minister considering the desirability of amending the tenancy laws relating to—

(*i*) enhancement of rent; and

(*ii*) postponing all revisional settlement proceedings until prices substantially rise?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) Yes. But having reached the lowest level in 1933 or thereabout prices are now gradually moving upwards.

(*c*) The present price so far as the principal staple food crop—rice—is concerned, it is nearly the same as in 1918.

(*d*) Not in all cases.

(*e*) The matter is under consideration of Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With regard to (*e*), is it not desirable to postpone the revisional proceedings until final decision is taken?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is a request for an expression of opinion, Sir.

Khan Bahadur ATAUR RAHMAN: Has the Hon'ble Minister taken any precaution so that no hardship is done on account of enhancement in certain cases?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. Government have taken action.

Jute workers strike.

48. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether negotiations were going on with the jute mill owners and the labourers to bring the jute workers strike in April last to an end?

(*b*) If the answer to (*a*) be in the affirmative, what is the final decision arrived through such negotiations?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No.

(*b*) Does not arise.

Secondary Education Board.

49. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any final decision has been reached to form the Secondary Education Board?

(*b*) If the answer to (*a*) be in the affirmative, will the Board be formed soon?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No.

(*b*) Does not arise.

Rai SURENDRA NARAYAN SINHA Bahadur: Is there any proposal for consideration of Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: The matter is under the consideration of Government.

Detenus in Berhampore Camp.

50. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the total number of detenus staying at present in the Berhampore Camp?

(*b*) How many of them are—

(*i*) Hindus;

(*ii*) Muhammadans;

(*iii*) Males; and

(*iv*) Females?

(*c*) What is the average expenditure for each detenu including allowances, fooding and other charges, cost of light, municipal tax and salaries for Guards, Commandants, Medical Officers, sweepers, etc., and other items?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) On the 12th July, 1937, there were 460 detenus in the camp, all males. Two of these were Muhammadans, and the rest, with possibly a few exceptions, Hindus.

(*c*) Rs. 805-2 as. during 1936-37.

Miss Suniti Chowdhury confined in Dacca Jail.

51. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Miss Suniti Chowdhury now confined in Dacca Jail has been placed in "C" division?

(*b*) Is the Hon'ble Minister aware that she has had both vernacular and English education?

(*c*) Is it not the principle of classification that a person who is accustomed to a better class of life is placed in a higher division? If the answer is in the positive, then why this exception has been made in case of Miss Suniti Chowdhury?

(*d*) Is it a fact that she has no associate in the Dacca Central Jail? Is there any truth in the rumour that she is kept in company of hardened criminals?

(*e*) If so, will the Hon'ble Minister consider the desirability of transferring her to a jail where she may have the opportunity of association with female prisoners of her station in life?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) She was a pupil in class VIII in a high English school.

(*c*) The answer to the first part of the question is in the affirmative. The prisoner was not considered to have been accustomed to a superior mode of living.

(*d*) The answer to the first part of the question is in the negative. The prisoner was found guilty of murder; there are no other terrorist prisoners in the division in which she has been placed.

(*e*) I do not propose to transfer her to another jail.

Detenu Miss Kamala Chattopadhayaya.

52. **Mr. SHRISH CHANDRA CHAKRAVERTI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that the detenu Miss Kamala Chattopadhayaya has been confined in Midnapore Jail?

(*b*) Was the Government approached by her mother for her release on reasonable conditions?

(*c*) Is it a fact that she is the only child of her mother?

(*d*) Is her mother lying seriously ill with no near relations to attend on her sick bed?

(*e*) Is the Hon'ble Minister considering for the purpose of proper association the desirability of putting the few political detenus and prisoners in one central jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The lady is not in the Midnapore Jail.

(*b*) No.

(*c*) I have no information.

(*d*) Miss Kamala Chattopadhayaya has been in her home in Calcutta since the 16th June, 1937.

(*e*) No.

Assessment by the Bengal Wakf Board.

53. **Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Hamidul Huq Chowdhury):** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Bengal Wakf Board has assessed its dues from the Wakf estates at the highest rate allowed under the Bengal Wakf Act, 1934?

(*b*) If so, how has the levy been justified at the very beginning of the operation of the Act?

(c) Will the Hon'ble Minister lay on the table a statement showing—

(i) the total amount of the assessment made in 1936-37; and

(ii) the budget passed by the Board for 1937-38?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Yes.

(b) The assessment has been made at the highest rate in the interest of the financial stability of the Wakf Fund. The assessment is, however, liable to reduction if necessary.

(c) (i) Rs. 1,02,589.

(ii) Receipts—Rs. 1,03,470, and expenditure—Rs. 87,671.

Mr. KADER BAKSH: Will the Hon'ble Minister in charge of the Education Department be pleased to state how the estates are being managed under the Wakf Board now?

The Hon'ble Mr. A. K. FAZLUL HUQ: This is a comprehensive question and I require notice.

Mr. KADER BAKSH: Will the Hon'ble Minister be pleased to state whether any such estate has been sold recently for arrears of rent?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have no information.

Estates under Court of Wards.

54. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Hamidul Huq Chowdhury): (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing—

(i) the total number of private estates taken under the Court of Wards;

(ii) the total number of such estates taken during the last 6 years; and

(iii) the total number of estates which enjoy, either because brought under management of Court of Wards or otherwise, the right to collect their dues under the Bengal Public Demands Recovery Act, 1913, including the number of estates vested with powers under sections 158A and 158AA of the Bengal Tenancy Act, 1885?

(b) Is the Hon'ble Minister aware of the hardships caused by the application of these summary proceedings?

(c) If so, will the Hon'ble Minister consider the advisability of withdrawing the powers in all cases whether enjoyed under the Court of Wards or by private managed estates?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) (i) 100 at the end of 1343 B.S. (1936-37).

(ii) 54 estates.

(iii) 133 Court of Wards estates; 3,787 Government estates; 216 private estates enjoying certificate powers under section 158A, Bengal Tenancy Act.

(b) Hardships attendant on recoveries through certificate procedure are actually less than those in recoveries made under the ordinary procedure.

(c) No.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the hardship attendent on recoveries under certificate procedure is less than under ordinary Civil Court procedure?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The cost is much higher in an ordinary rent suit.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state if he is aware that in certificate procedure the immovables of the *raiyat* are immediately attached and sold and the holding is not attached?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That may be the case also in case of a rent suit in execution of a decree.

Mr. HUMAYUN KABIR: Following the answer to question (b), will the Hon'ble Minister be pleased to say whether it is a fact that in many cases on account of the greater cost of ordinary Civil Court proceedings, steps are not taken at all under the Public Demands Recovery Act by the landlords?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the landlord wants to recover his rent, he has got either to take steps under the certificate procedure or to file a rent suit; otherwise he cannot realise rent if it is not paid amicably.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state whether body warrants are issued for realisation of rent under certificate procedure instead of selling the holding when there is no movable property?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, body warrants cannot be issued instead of selling immovable properties. Immovable properties have to be sold first before body warrants can be issued and under the new Amendment Act of the Civil Procedure Code body warrants cannot be issued except in very exceptional circumstances where the judgment-debtor is trying to practise fraud.

Mr. KADER BAKSH: Is the Hon'ble Minister aware that body warrants are issued as a matter of fact in some district without reference to immovable property?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government will be pleased to enquire into those cases if the hon'ble member will kindly supply me with facts, because it seems to be within his special knowledge and not of the Government.

Khan Bahadur ATAUR RAHMAN: Are the Government aware that even agricultural implements and cattle are attached by the Certificate Officer for arrears of rent even, instead of putting immovable property for sale?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information.

Persons restricted.

55. **Mr. SHRISH CHANDRA CHAKRAVERTI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement containing the names of the persons against whom restriction orders have been made under the Bengal Criminal Law Amendment Act, 1930, or the Bengal Suppression of Terrorist Outrages Act, 1932, showing against each name the following particulars, viz.:—

(*i*) age;

(*ii*) area within which his movement has been restricted;

(*iii*) previous occupation, if any;

(*iv*) present occupation, if any;

(*v*) university qualification, if any;

(*vi*) amount of allowance granted;

(*vii*) any conviction for infringement of restriction orders and, if so, description of the sentence passed; and

(*viii*) the causes that led him to infringe the restriction orders, indicated by him in his defence?

(*b*) Will the Hon'ble Minister be also pleased to state—

(*i*) if breaches of restriction orders are punished with rigorous imprisonment;

(*ii*) under what provision of law such rigorous imprisonment is inflicted;

(*iii*) whether the mandatory provision for review of restriction orders under section 2 (*1*) of the Bengal Criminal Law Amendment Act, 1930, at the end of each year is observed in each case; and

(*iv*) are the continuance orders served on the persons concerned in the same manner as summons?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The information desired by the hon'ble member cannot be collected without an undue expenditure of time and labour.

(*b*) (*i*) and (*ii*) The attention of the hon'ble member is invited to section 6 (*1*) of the Bengal Criminal Law Amendment Act and section 18 of the Bengal Suppression of Terrorist Outrages Act.

(*iii*) Yes; many cases are reviewed more than once a year.

(*iv*) No

Political prisoners.

56. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement containing the names of the political prisoners showing against each the following:—

(*i*) the educational qualification of matriculation standard and above, if any;

(*ii*) home address;

(*iii*) age;

(*iv*) date of arrest;

(*v*) section of law under which such prisoner has been convicted;

(*vi*) term of sentence passed against such prisoners with the date thereof;

(*vii*) classification of each prisoner;

(*viii*) name of the jail in which each has been kept at first;

(*ix*) description of punishment, if any, for infringement of any rules of the Jail Code;

(*x*) the number of times such prisoner was admitted into hospitals inside or outside the jail with—

(*a*) the names of the hospitals where admitted,

(*b*) diseases treated, and

(*c*) period of treatment each time;

(*xi*) physical injury, if any, received by such prisoner within the jail and causes thereof;

(*xii*) weight first taken after arrest;

(*xiii*) weight last taken with date thereof; and

(*xiv*) medical report of the present condition of health of the prisoner with special reference to eyes, teeth, lungs, heart, stomach and brain?

The Hon'ble Khwaja Sir NAZIMUDDIN: Statistical information is not available in the form desired by the questioner and to compile it specially would entail an expenditure of time, labour and money which Government regret they cannot see their way to undertake.

57. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state whether—

(*i*) writing materials are allowed to all political prisoners;

(*ii*) there is any arrangement for physical exercise indoor or outdoor;

(*iii*) there is any provision for light for reading purpose at night;

(*iv*) there is any arrangement for mental recreation for them; and

(*v*) they all come of middle class *bhadralog* families and are accustomed to higher standard of living and food than that of class III prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: On the assumption that the hon'ble member has in mind prisoners suffering imprisonment for offences including murder and dacoity committed in furtherance of political movements, the answers are as follows:—

(*i*) attention is invited to Rules 654, 1056 and 1065 of the Jail Code, a copy of which is in the Library;

(*ii*) yes;

(*iii*) prisoners whose mode of living is deemed to be above the ordinary are allowed lights for reading purposes up to 10 p.m.

(*iv*) attention is invited to Rules 654 and 1074 of the Jail Code. Libraries are maintained in all central and district jails at public expense and material for indoor games is also provided; and

(*v*) many prisoners are considered to have been accustomed to a mode of living not above the ordinary.

Mr. KAMINI KUMAR DUTTA: As to the reply to (*v*) as to the classification of prisoners, will the Hon'ble Minister be pleased to state how the classification is made. Does it depend upon local reports?

The Hon'ble Khwaja Sir NAZIMUDDIN: The trying courts make their recommendation on the report of the local officers.

Mr. KAMINI KUMAR DUTTA: Is the Hon'ble Minister aware that as a matter of practice trying Magistrates under the rule do not submit any report: it is the District Magistrates who submit the report. Is it not a fact that the reports of the District Magistrates are not always accepted and in spite of their recommendations a lower classification is allotted by the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: There are cases where the recommendations have not been accepted.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state on what grounds are those recommendations by the District Officers not accepted?

The Hon'ble Khwaja Sir NAZIMUDDIN: In the light of better information that we have.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister be pleased to state from whom are those informations obtained?

The Hon'ble Khwaja Sir NAZIMUDDIN: The District Magistrate makes his recommendation and gives the facts and we decide in consideration of what has been done in other cases.

Female political prisoners.

58. **Mr. SHRISH CHANDRA CHAKRAVERTI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state what clothes are supplied to female political prisoners in class III?

The Hon'ble Khwaja Sir NAZIMUDDIN: The attention of the hon'ble member is invited to Rules 1159 and 1163 of the Bengal Jail Code, Volume I (Seventh Edition), a copy of which is in the Library.

Medicines for female political prisoners.

59. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether medicines required specially for female diseases are not kept in all jail hospitals other than the central jail hospitals;

(*ii*) whether there is any arrangement for physical exercise for female political prisoners and, if so, the description of such arrangement; and

(*iii*) whether there is any arrangement for mental recreation of such prisoners and, if so, the description of such arrangement?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) Such medicines are ordinarily available in all jail hospitals.

(*ii*) and (*iii*) Attention is invited to Rules 654, 1056, 1065, 1074 and 1075 of the Jail Code, Volume I, a copy of which is in the Library.

Political prisoner Sreemati Shanti Das.

60. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Sreemati Shanti Das, a political prisoner, was lately on hunger strike?

(*b*) If so, will he be pleased to state the reasons that led her to take such an action?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) The hon'ble member appears to have been misinformed; there is no terrorist prisoner of that name in any Bengal jail.

Deoli Jail.

61. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the highest and the lowest temperature of Deoli, year by year since the establishment of the detention camp there;

(*ii*) the stuff of which the roof and the ceiling of each camp house are made;

(*iii*) the length and breadth of each room, the number of persons accommodated therein and the items of furniture which are placed in each room;

(*iv*) the number of lights (including the number of candle lights) for each room;

(*v*) the names and distance of the places from which vegetables, fruits and fish, supplied to the detenus of Deoli, are brought;

(*vi*) the prices of foodstuff which are charged for at the camp; and

(*vii*) the stuff of which the roof and the ceiling of the hospital house are made?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Deoli Jail is under the administrative control of the Government of India; and the Provincial Government are therefore not in a position to reply to the questions asked by the hon'ble member.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state why was the jurisdiction of the Government of Bengal parted by sending these prisoners over to Deoli?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that this question does not arise.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if Government intend to bring these Deoli prisoners back within its jurisdiction in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: I again submit, Sir, that this does not arise out of this question.

Detenus at Deoli Camp.

62. **Mr. SHRISH CHANDRA CHAKRAVERTI:** (*a*) Will the Minister in charge of the Home Department be pleased to state if it is a fact that two of the detenus at Deoli Camp have of late gone mad?

(*b*) Whether it is a fact that this derangement of their brain is mainly due to the excessive heat prevailing at the place?

(*c*) What steps does the Hon'ble Minister intend to take in the matter?

(*d*) Will the Hon'ble Minister be pleased to consider the question of their transfer immediately?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) There is nothing in the Medical Officer's report to support this suggestion. The detenus began to behave strangely in the first half of April, that is, before the hot weather was well advanced.

(*c*) and (*d*) The detenus were transferred to Bengal some time ago, and went to live with relatives who offered to look after them. One however has become violent and arrangements are being made to send him to the Mental Hospital at Ranchi.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state the approximate time by which these prisoners will be sent to the Mental Hospital at Ranchi?

The Hon'ble Khwaja Sir NAZIMUDDIN: As soon as arrangements have been made to receive them at the Ranchi Hospital.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to lay on the table the history sheets prepared by the Medical Officer from the beginning of any signs of any mental derangement in respect of these two prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice of this question, as I have to look at the papers.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister be pleased to state what steps have been taken to prevent the recurrence of such cases of insanity among the prisoners who are already in the jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have made proper medical arrangements at these camps and everything that is possible is being done to look after the prisoners and to see that they do not suffer from any ailments.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister be pleased to consider the desirability of sending an expert on mental diseases to these camps from time to time in order to inspect the mental condition of the prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as the Deoli Camp is concerned, there are only two cases of insanity that occurred, and I do not think there will be any such cases in future.

Accidents in Poidih and other collieries.

83. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state how many accidents happened during the last three years in the Poidih and other collieries?

(b) What is the number of casualties?

(c) How many of these were males and how many females?

(d) What steps have been taken by Government to prevent the recurrence of such accidents?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) to (c) A statement showing the number of mining accidents and casualties during the years 1933, 1934 and 1935 is laid on the table. The figures for 1936 are not yet available.

(d) The Byelaws and the Coal Mines Regulations were amended and Temporary and Supplementary Coal Mines Regulations have been framed by the Central Government as a measure of safety to prevent such accidents.

Statement referred to in the answer to question No. 63 regarding mining accidents in Bengal.

	Number of accidents.	Casualties.		
		Males.	Females.	Total.
1933.				
At Poidih colliery ..	1	Nil	1	1
At other collieries ..	115	105	18	123
Total ..	116	105	19	124
1934.				
At Poidih colliery ..	1	1	Nil	1
At other collieries ..	130	143	13	156
Total ..	131	144	13	157
1935.				
At Poidih colliery ..	Nil	Nil	Nil	Nil
At other collieries ..	158	240	24	264
Total ..	158	240	24	264

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will th Hon'ble Minister in charge of Commerce and Labour Department b pleased to say whether he visited the scene of the accident?

The Hon'ble Mr. H. S. SUHRAWARDY: The accident too place long before I assumed charge of my office.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Has th Provincial Government any responsibility over these accidents?

The Hon'ble Mr. H. S. SUHRAWARDY: Not much. Th matter is really under the control of the Government of India and th Chief Inspector of Mines is the officer of the Government of India i charge of this matter.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Has not th local Government concurrent jurisdiction along with the Government c India over labour in certain matters including this?

The Hon'ble Mr. H. S. SUHRAWARDY: So far as labour welfar is concerned, I think it is the jurisdiction of the Government of Bengal But so far as the colliery itself and its standard of work is concerned it is a matter for the Government of India.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Does nc labour welfare include accidents as well?

Mr. PRESIDENT: That is a matter of opinion.

Short Notice Questions.

Mr. PRESIDENT: There were two notices of short notice ques tions from Mr. Lalit Chandra Das and Mr. Shrish Chandra Chakraverti I think it has already been intimated to the hon'ble member, Mr. Das that his question has not been accepted, and the hon'ble member wel knows that unless Government waive the right of regular notice, shor notice questions cannot be put.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'bl Minister in charge of the Home Department be pleased to state:—

(*1*) Why the information regarding the hunger-strike of politica prisoners at Andaman Islands has been suppressed and whe did the same reach him? If it did not reach him in time who is responsible for the same? What steps are bein taken to deal with the delinquent adequately?

(2) What steps are being taken by the Government to relieve the conditions of the said prisoners?

(3) Whether the Government is going to consider their petition favourably?

(4) What steps, if any, have already been taken in view of the strong public feeling about hunger-strike for relief of the prisoners concerned?

The Hon'ble Khwaja Sir NAZIMUDDIN: (1), (2), (3) and (4): These are all matters for the Government of India and not for the Provincial Government. This is the position I made clear in the Legislative Assembly a few days ago.

Mr. PRESIDENT: The hon'ble member who put this question is not a member of the other House. So he should not be referred to any proceedings which took place in that House.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would refer the Hon'ble Member to my answer delivered in the Assembly.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether he has taken any steps for getting any information about the condition of the hunger-strikers?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have not got any special information regarding them. All information has to be obtained from the Government of India.

Mr. KAMINI KUMAR DUTTA: Has the local Government requested the Government of India to keep this Government informed about the happenings in the Andamans ?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far we have not done so.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to take steps to keep the local Government informed about the happenings in the Andamans and to publish communiques about the happenings there?

* **The Hon'ble Khwaja Sir NAZIMUDDIN:** I am prepared to consider the first portion of the question and as regards the second portion, namely, the publication, it will depend on whether the Government of India approve of it or not.

Mr. HUMAYUN KABIR: Will the Government consider the desirability of bringing all Bengal prisoners back to the province?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I submit, Sir, that this does not arise out of this question?

Mr. NARESH NATH MOOKERJEE: Will the Government be pleased to state if there has been any death amongst the hunger-strikers? Is there any information available to the Hon'ble Minister regarding this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have no information on the subject.

Mr. LALIT CHANDRA DAS: Has any information been received by this Government of any cases of forcible feeding of these hunger-strikers?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no information before us.

Mr. RANAJIT PAL CHOUDHURY: Are there any lives in danger owing to this hunger-strike?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have not got any information on the subject.

Mr. SHRISH CHANDRA CHAKRAVERTI: Is the Hon'ble Minister in charge aware that a majority of the prisoners who are on hunger-strike are Bengalees?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Mr. LALIT CHANDRA DAS: May I have your leave, Sir, under Rule 6——

Mr. PRESIDENT: Order, order. I shall call you in proper time.

Motion for Adjournment.

Mr. PRESIDENT: On the 2nd instant, I received notice of a motion for adjournment of this Council on a definite matter of urgent public importance. The motion runs as follows:—

"This Council do adjourn its business to discuss a definite matter of urgent public importance, viz., the situation created by the recent huger-strike by prisoners in the Andamans, nine-tenths of whom are Bengalees."

This is the stage at which any member may rise to a point of order. The question is whether the member has the leave of the House to move this motion.

Mr. NAZIRUDDIN AHMAD: Sir, I object to this motion being taken up.

Mr. PRESIDENT: As objection has been taken, I would request those hon'ble members who are in favour of leave being granted, to rise in their places.

(More than thirteen members rose in their places.)

As not less than thirteen members have risen, I declare that leave is granted and that the motion will be taken up for discussion at 6 p.m. But before I finally fix the time, I should like to have the opinion of the House.

I do not like to curtail unnecessarily the time allotted for the general discussion of the budget. I think we have already taken 40 minutes over the questions, and the House must have opportunities of discussing the budget, because on the 9th we shall hardly have a couple of hours for discussion. So I think it is better that the adjournment motion be taken up at 6 p.m. so that it may be concluded by 8 p.m.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, may I suggest that the adjournment motion be taken up to-morrow?

Mr. PRESIDENT: That is for the House to decide. Is there a consensus of opinion that it should be taken up to-morrow? I understand that there is no budget discussion to-morrow.

The Hon'ble Mr. NALINI RANJAN SARKER: If it be a matter of urgent public importance, how can it be postponed till to-morrow?

Mr. PRESIDENT: Mr. McKerrow, what is your opinion?

Mr. J. A. McKERROW: I think it will suit us better if this be taken up at 5 o'clock.

Mr. PRESIDENT: You will then have only an hour and ten minutes for the general discussion of the budget. It is for the members to suggest the time that will be most suitable for them all. I would like to remind them that we are handicapped in regard to the time allotted for the budget discussion. I am absolutely in the hands of the hon'ble members, and they should consider this point. What has Maulana Akram Khan to say on this matter?

Maulana MUHAMMAD AKRAM KHAN: Sir, I think two hours will be quite sufficient for the budget discussion.

Khan Bahadur ATAUR RAHMAN: I suggest that this adjournment motion be taken up to-morrow. Although the budget discussion is only an academic one, I think some of us want to speak something on the budget. Some time either to-morrow or any other day may be fixed for the discussion of this adjournment motion.

Mr. NARESH NATH MOOKERJEE: I submit, Sir, that 5-30 p.m. will be suitable to all the members.

(There was general approval.)

Mr. PRESIDENT: I fix 5-30 p.m. as the time when this motion will be taken up.

GENERAL DISCUSSION ON THE BUDGET.

Mr. PRESIDENT: The House will now take up the general discussion on the budget.

Mr. NARENDRA CHANDRA DATTA: Mr. President, Sir, I am sorry that I am unable to congratulate the Hon'ble Finance Minister on the budget presented before the House. Its main defect is that it does not disclose any national programme or progressive planning which the electorate naturally expected. But for the fact that the Bengal Ministry appears to be determined to abhor anything emanating from the Congress, the ministry could have easily adopted the programme of the Congress provinces and the programme as formulated by Mahatma Gandhi.

The three pressing and urgent needs of the country are:—

First—Health and sanitation.

Second—Mass literacy.

Third—Production of wealth which includes removal of appaling indebtedness in the country, and employment of the unemployed.

The budget has not, as regards items 1 and 2, made any serious attempt to tackle them, and as regards debt settlement, the ministry is following the wrong lead given by the former Government. The way in which settlement of debts of the agriculturists is being handled will hardly bring any relief to those for whom it is meant. Even if you reduce the debts to the principal amounts due, yet in most cases the reduced amount will not be fully covered by the present value of the assets of the agriculturists, because the price of their holding has been much reduced. If that is so, how do you help them? Besides, you are spreading over the reduced debts over a number of years, and this burden of instalments will be hanging over the heads of debtors like the sword of Damocles, and they will hardly be able to start anew during their life-time The true remedy is not merely to scale down the amounts of debts, but it is more so to increase the value of their assets and their capacity to pay. This can only be achieved by raising the price limit of the main agricultural crops which will add to value of the agricultural holdings. I hold that the policy of the Government with regard to agricultural debts is in urgent need of reconsideration and revision. Take the first point of order here. The present attempt that is being made will act as a slow poisoning of the agricultural population instead of giving them relief. I invite the Government to ponder over the matter very seriously before it is too late. The remedy that is being applied will kill the patient even before the disease is arrested.

The *modus operandi* and the activities of the Co-operative Department is a corollary to the problem of agricultural indebtedness. One is indissolubly bound with the other. Co-operative training of the staff and strengthening—

Mr. SHRISH CHANDRA CHAKRAVERTI: I find that we are always being treated with scant courtesy, because at the beginning of the first discussion of the budget the Hon'ble the Finance Minister is absent.

Mr. PRESIDENT: He has taken my special permission.

Mr. NARENDRA CHANDRA DATTA: Strengthening of the Audit Department will hardly touch the real problem. By mishandling of the department by the former Government, the movement has been put into a rut and unless the whole system, including direction, initiative and policy gets a new orientation, you cannot revive the movement to a normal course of activity. Besides, the central banks are not likely to recover their dues from the agriculturists even with preventive measures until their capacity to pay is revived. This movement is

in a vicious circle. A department dealing with more than half-a-doze crores of rupees with its organisation spread over every creek an corner of the province cannot be dealt with by an official having n special training and experience, however brilliant he may be.

As regards sanitation and public health, the ministry should no forget, in their enthusiasm and predelictions for medical aid in muni cipal areas and towns, that the nation dwells in cottages. The ministr should not be reminded that a nation which is physically weak canno have a healthy and sound mind, and improving of health of the natio is a paramount duty and obligation of the State. To start with regulation to get every child entering a public school to be examine by a qualified medical men should be forthwith adopted and enforce and the guardian should be supplied with a copy of the medical repor so that timely steps may be taken to remedy any organic defect which is curable. Attempt is being made to introduce a provision for tiffin in schools. But considering the economic condition of the people a large, provision of tiffin would be impossible and unpracticable. Instead, the school hours may be changed and be easily divided in the morning and evening when human energy is up, according to recent report of the experts who made a worldwide and thorough examination of the problem.

The Hon'ble Finance Minister has stated in his reply in the Lower House that compulsory free primary education cannot be taken up without taxation. Without entering into the question of feasibility or otherwise of new taxation, it is clear that literacy of the masses is a problem which brooks no delay.

Free primary education can be started in all districts in selected areas immediately with effective retrenchment and savings in costs of administration which is not in consonance with the economic conditions of six-anna voters, but it should be made to conform to real economic condition of the people and if it is done, then there will be considerable savings, in spite of the protest of the Finance Minister to the contrary. The Hon'ble Finance Minister has thrown out a hint that in case of abolition of the landlord's fee, the heavy deposit with Government on that account will have to be repaid out of the revenue. Why? The ministry may get an emergency measure passed not only to appropriate the amount in deposit, but also to use the future landlord's fee until it is abolished. Landlords with the prospect of the fee being abolished will have no fair objection. Besides, it is not difficult to raise a loan of a substantial amount that may be needed when the money at present is plentiful in the market available at easy rates. The cancellation of the obligations to the Government of India for over eight crores has offered an opportunity and invitation to the Bengal Government to resort to a loan for urgent need of the country, repayable in 30 to 35 years. Obligation for payment of interest and

annual repayment may be so arranged that it may not be a heavy burden on the annual budget. In this connection, on the showing of the Hon'ble Finance Minister, a substantial contribution from income-tax collection in the province is expected which will augment resources of the provinces in the near future.

The public has not found any provision of "*dal bhat*" for the people in the budget which the Hon'ble Premier proclaimed so loudly since his election campaign, but shortage of "*polao*" and "*korma*", in case of some of the Ministers, has been well provided for by equalising their pay with the more fortunate amongst them.

Mr. KADER BAKSH: Sir, is it not desirable and necessary that the Finance Minister should be present when the budget is under discussion and is being criticised in this House?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I am representing him. I am taking notes for the Finance Minister and will hand them over to him when he comes.

Mr. NARENDRA CHANDRA DATTA: The House will remember that His Excellency the Governor fixed the pay of the ordinary Ministers, excluding the pay of the Premier, at two different figures, and the gentlemen who accepted the Ministry then accepted those, but since they have been installed on the *gadi* and have got their powers, the first thing they do is to help themselves by levelling up their pay up to the pay of their more fortunate brethren in the Ministry. This is indeed charity at home. Unless the ministry can set an example to the Government officers by cutting down their own remuneration, they are not expected to succeed in tackling retrenchment in the pay of the public servants for the old adage goes: "Example is better than precept."

This is all I have got to say with regard to the budget.

Begum HAMIDA MOMIN: Sir, permit me to add my congratulations to the many more which the Hon'ble the Finance Minister has received for his good luck in being able to present us with a budget which shows a considerable closing balance. I am, however, constrained to say that we have received the budget with mixed feelings; whilst we rejoice that the finances of our province are showing signs of improvement and that with a will our Ministers can remove many of our wants, it is disappointing to us not to find any indication of any plan or scheme for relief.

The people of Bengal are groaning under the burden of poverty They are a long suffering race struggling against hunger and disease They would have preferred to have a glimpse, however remote it ma be, of the "*dal bhat*" so feelingly promised to them.

The women of Bengal, and as a matter of fact, the men also, ar wallowing in the mud of ignorance and illiteracy. It would have give them some happiness if they could find some indications of the muc promised light of the free and compulsory primary education Malaria is sapping the life-blood of our people. It would have give them some hope, if the budget showed any increased attempt to com bat this deadly disease.

While expressing my disappointment, I join issue with thos critics of the Hon'ble the Finance Minister, who blame him and hi colleagues for these omissions. The ministry has only been in exist ence for four months and even in this short period they could hav evolved some schemes, had they been left in peace and not harrasse by harrowing criticisms and attacks from the opposition. Securit in office and co-operation, which the cabinets in the other six provin ces, where Congress has accepted office, enjoy, are sadly lacking i Bengal. It is, therefore, not up to those who have withheld help an co-operation to blame the Ministers if they fail to do things in th manner they desire.

I do not presume to be able to advise the Hon'ble the Financ Minister as to the manner in which the budget should have been framed All that I wish is to bring home to the Hon'ble the Finance Minist and the Premier the grievances and the needs, particularly of ou women and children.

The women in Bengal are not interested in high politics. They do not care whether the Congress or any other party is in power. They along with the men want to live like human beings. They want that their children should be protected from malaria. They want that thei girls should have equal facilities with boys in receiving education. They have remained in darkness too long, but I assure you, Sir, and through you the House that they have begun to see light and will no longer be satisfied with half-measures. I assure you, they are beginning to be conscious of their legitimate rights and have begun to make their demands.

Our voice in this Council is feeble, but we rely on the justice of our demands, and the fairness of the House that they will receive full consideration.

Reverting to the subject of primary education, I wish to emphasize, that our girls are much more in need of it, than the boys. The surest and easiest way of spreading education amongst boys is to educate the women; yet so far women's education has received only step-fatherly attention from the Government.

The cry for primary education among the masses is universal and persistent, yet the Hon'ble the Finance Minister has dismissed the subject with one solitary sentence. He says, in his budget speech—"Enhanced provision has been made for primary education." He has discreetly omitted to mention how *much* "this increase" is. We can, however, with a little effort discover, that leaving aside the districts of Darjeeling and the Chittagong Hill Tracts there has practically been no increase in the recurring expenditure on primary education.

Sir, at first sight, the increased provision under the head "Primary education in the revised budget" appears to be Rs. 1,50,000, but if you refer to pages 84 and 85 of the "Explanatory memorandum" you will find that only Rs. 10,600 out of the above sum is to be spent in Bengal districts, and that also on capital grants; while the rest is evidently meant for the non-regulated districts of Darjeeling and the Chittagong Hill Tracts. I am sure, Sir, that we have very good reason to feel agrieved in this matter. There can be no excuse for a surplus of 34 lakhs in a budget when primary education, and particularly that of girls, is crying for assistance. We do not know if the Hon'ble the Education Minister has any schemes ready or in contemplation for advancing primary education of girls in the near future, but I wish to urge, with all the emphasis, I can command, that girls' education should no longer be starved, and grants-in-aid should not be refused only on the ground, that schemes are not ready yet. Government educational schemes may take years to materialize, but women's education can brook no delay.

Another great and urgent need of the women of Bengal is their industrial education. Sir, we hear a lot nowadays about the improvement of industries—and particularly of home industries—and we find that the Industries Department is to get an additional grant of 2 lakhs and 10 thousand. In my opinion, no scheme for home industries can be successful, if women are left out of it. And yet, so far, little or no attention has been paid by Government to the industrial education of women. Whatever little has been done has been done through non-official agencies; like the Banibhavan, the Narisikhya Protisthan, the Anjuman-i-Khawatin Islam, and the Shoroj Nalini Dutt Associations. But Government has done nothing in this direction. I wish to draw the attention of the Hon'ble Minister for Industries to this great need of the women of Bengal.

Another matter in which we feel very sore is the question of public health. This department seems to have been treated a little more generously by the Hon'ble the Finance Minister. The increased expenditure budgeted is 6 lakhs, 88 thousand. From a perusal of the explanation given—on pages 93 and 94 of the "Memorandum"—it will appear that most of this increased grant is for water-supply and

drainage in rural and urban areas. The crying need of the malari stricken people of Western Bengal is quinine. And yet only sixt thousand rupees has been provided as an additional expenditure c quinine. It is particularly to be deprecated that, while our poo peasantry in the rural areas are dying of malaria by thousands ever year, Government is making a profit of nearly eight lakhs of rupees i the manufacture of cinchona.

It is noteworthy that a paltry sum of eight thousand has been pro vided for maternity and child welfare in a country where infantil mortality is notorious. Sir, I have done.

Mr. W. B. C. LAIDLAW: Mr. President, Sir, the Bengal budge for 1937-38 has been framed with prudence in allocating to the bes advantage all the available resources of the province. Here are n complicated financial manipulations in order to bring out a credi balance. It must have given pleasure to the Hon'ble the Financ Minister to be in a position to present the first surplus budget whicl we have not seen in Bengal for many years past. In the past admir able schemes have had to be shelved, but we are now in a position t make some progress in very desirable directions in which progress i required. I would like to place some emphasis on the necessity o conserving our resources, particularly at the present time. The esti mates of revenue are based on a period of comparative economic recovery. We have seen during the past depression that when the income falls off, it becomes necessary to introduce emergency taxation, and emergency taxation once it is placed on the statute book has a habit of being kept up. Our object should be to see the surplus of prosperous years saved up to meet the crisis of more stringent periods. Secondly, we require to conserve our resources owing to the changed character of our liabilities, our debts to the centre have been cancelled, but, on the other hand, we have a heavy liability on debts and deposit accounts which will have to be met from current receipts.

I would mention that if there is to be a reduction in landlords' transfer-fees it might be wise not to throw the whole liability on the provincial finances at one time, but rather to make a gradual reduction, if any reduction is at all necessary.

Turning now to specific proposals, I may say that the waterways are one of the principal avenues of communication in Bengal, and it is fitting that they should receive particular attention. At the same time, it may be necessary, I suppose, to increase taxation in order to make improvements in the waterways, and I would like to suggest that any such increased taxation should be borne fairly by those who are going to get the benefit of these improvements.

We have seen a bold experiment in West Bengal in the Damodar Canal, upon the success of which will depend the degree to which it is prudent to carry forward possibly larger schemes in future. A great deal of work remains to be done in future for the improvement of the decadent areas. There has been a good deal of criticism over the Damodar Canal experiment, and I would like to make the point that this criticism may affect seriously the decisions to be taken on the schemes in future, affecting huge tracts of country. I think it should be recognized that a scheme of this magnitude must, to some extent at least, be financially self-supporting, and a good deal of the future decisions will have to depend on the financial results of the experiment at present in progress. We welcome the endeavours which are being made to assist the cultivator in his fight against indebtedness and in view of the very large sum which it is proposed to spend on the extension of debt conciliation boards, it would be interesting to hear of the success achieved by these boards constituted since July of the last year. I would also like to make the point that in trying to save the cultivator from his own indebtedness, we shall have to have due regard that the somewhat limited sources of capital available to him may not be dried up.

In conclusion, Sir, I would like to congratulate the Hon'ble the Finance Minister on the admirable explanations which he has given in his budget, and which I regard as a sound and prudent document.

Khan Bahadur M. ABDUL KARIM: Mr. President, Sir, the Hon'ble Mr. Sarker has told us that he is moved neither by praise, nor by dispraise, nor even by scorn so long as he thinks that he is doing his duty. It is useless, therefore, either to say much in praise of him or in dispraise of him. Of the two things presented before the House, that is to say, the budgetary figures and the learned speech of the Hon'ble the Finance Minister, the only thing that arrests attention is the notable figure behind the budget and not the budget itself. With the inauguration of the Reforms, we should have thought that the budget should be presented in the first session in a new garb and with a new complexion, but Sir, it is the old thing over again. I might remind the House that very soon after His Excellency Sir John Anderson set his foot in Bengal he discovered that there was some mal-adjustment in the system of the Government of Bengal which had the effect of keeping about 90 per cent. of the population in dire distress and poverty. That was, I think, so far back as 1932. What I submit is that the Minister's speech is of an ideal kind, that is to say he is not moved either by praise or dispraise and the only thing by which he is moved is that lean, thin, emaciated figure—the man behind the plough. Sir, Ruskin says that the ideal is almost always inseparable from the material, but here, in this particular case, we

find that there is a real separation between the spirit and the letter—between the speech delivered by the Hon'ble the Finance Minister and the budgetary figures presented to us. I do not go into the larger question, because the time at our disposal, only fifteen minutes, is not enough for me to show up the mal-adjustments—or shall I say the malappropriation of the amounts—under the different major heads. I take up only one item, viz., relating to primary education. I think that the Government of Bengal—I mean the present Government—has not only failed in its duty, but that their action can also be characterised as criminal—at one degree less than criminal, in view of the fact that from the year 1912 this matter has been engaging the attention of our beloved Sovereign himself. The House might remember that in the year 1912 when His Late Majesty, King George V, held the Delhi Durbar, His Late Majesty found at that time that as a matter of fact no Provincial Government had been doing anything for the spread of primary education. At the request of His Late Majesty, from that time onwards there has been an allotment of Rs. 50,00,000 from the Central Government and this is known as the Durbar grant for primary education. I may tell the House what the budgetary allotment for primary education is. It is only Rs. 24,00,000 or so, and the House would be interested to know how this Rs. 24,00,000 was made up, Rs. 12,00,000 is the allotment for Bengal from the Durbar grant and another Rs. 12,00,000 has been provided—and this, I ask, for how many millions of people? The House will be interested to know that there was no Primary Education Act in Bengal until only a decade ago. It was first introduced when the Royal Commission on Agriculture presided over by the present Viceroy noticed that all the other provinces had their Primary Education Acts, but Bengal had none! That was noticed by the Royal Commission on Agriculture and it was very sarcastically commented on by the Commission. As a result of that and with a view to keeping up appearances, a Primary Education Act was introduced and passed in 1930. But that still is a dead letter, as people are not willing to tax themselves for the primray duty of the State because, according to the statement of the Finance Minister himself, the duty of improving the man material comes first. But that has been a dead letter practically. Then the Education Member of the last Government wanted to shelve the thing; he thought of a scheme, and now again we are hearing of another scheme. The poor people of Bengal have absolutely no faith in such schemes; they do not believe, as a matter of fact, that their education will be cared for. The Hon'ble the Finance Minister in one part of his speech remarked that this sort of education might have been somewhat useful two decades ago, but it is not so useful now. We can have that general education from *tamashas*, movies, cinemas, and other amusements. But I must tell him that the people are in no mood for such *tamashas*. They must have real

primary education, otherwise they would be prepared to ask the British Parliament to take back their gift, and we may tell the Prime Minister that he must remember that when a great change is going to be made in human affairs, the minds of men will tend that way. Every hope and every fear will forward it and they who oppose this mighty current shall only be resisting the decree of Providence than the mere designs of men. To come back to the point of Rs. 12,00,000, I find the hon'ble lady member of our House had some difficulty in finding out what the enhancement was. I may say that the addition to the primary grant is only by about a lakh of rupees. This is the treatment which has been meted out to us. I have already said, Sir, that we are in no mood for further taxation; never think of taxation for a moment. So far as the question of education of the masses is concerned, it is the darkest spot on the British Indian administration. That is the darkest spot also on Bengal where 95 per cent. of the people are groping in illiteracy, hunger and disease. Give us education, make men of us. We do not want money from the Provincial exchequer. With education we can get on as people in other civilised countries are going on. If you disregard that primary duty, you have no right to function as Government.

Cannot the money be got by retrenchment? The old ways must give place to new. Committees after committees, commissions after commissions, have been appointed to enquire into the matter. We have got the richest library for any information about political or economic or agricultural condition of India. Four months have been too long enough to come to a definite finding. As regards the question of retrenchment, is there any country in the world where the administration is so top-heavy? Must the public servants be allowed to prosper at the cost of their "master"? Must all the roses of *Sheraj* burn in fragrance for them while their masters can hardly wet their lips with *Panta Bhat*, that is, watery rice? This state of affairs cannot go on any longer. It is the primary duty of the Finance Minister to reshuffle the existing order of things. The Finance Minister has before him reports of all the retrenchment committees. In January 1912, His Late Majesty the King-Emperor, while addressing the graduates of the Calcutta University, said: "It is my wish, too, that the homes of my Indian subjects may be brightened by the spread of knowledge, with all that follows in its train, a higher level of thought, of comfort and of health. It is through education that my wish will be fulfilled and the cause of education in India will ever remain close to my heart."

That was the wish of His Late Majesty the King-Emperor. If any retrenchment is indeed to be made from the salary of officers—if they are really loyal subjects of the Crown—they will willingly forego and surrender a portion of their income so that the wish of His Late

Majesty may be fulfilled. I submit that in this matter there should be no reluctance on their part. Then there are hundreds of other ways. We find the Swan Committee—the latest Retrenchment Committee presided over by Mr. Swan of the Indian Civil Service—according to which more than one crore and eighty lakhs could be made available by retrenchment. Only in two days' time any ministry can decide the policy which it must follow, and formulate schemes to be carried through under the straightened conditions. We are pledged to work the Reforms, and if our first enthusiasm receives a setback like that, will it be conducive to the good of the country or to the good of the Government? That is for the Finance Minister to ponder over and answer.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, I rise to offer the Hon'ble Finance Minister my hearty and sincere congratulation on the excellent speech with which he has presented the budget for the year 1937-38. It is really a matter of gratification that in the very first year of provincial autonomy he has been able to present a prosperity budget, with a speech in which I have felt clear indication that he has passed restless days and sleepless nights over the solution of the great problem of devising ways and means as to how best the provincial revenues can be utilised, so that greatest amount of good can be done to the largest number of people with the fund at his disposal. When I utter these words of appreciation, I hope I shall not be misunderstood as holding a brief for the ministry or shutting my eyes to the fact that there are limitations in the budget. Limitations there are and limitations there must be no matter whether Sir William Vincent is there or Mr. Nalini Ranjan Sarker is there, or anybody else. Whoever may be put in that difficult and responsible position, there is no escape from facing sharp criticisms which is the hard lot of a Finance Minister. While discussing the budget, we should not lose sight of the fact that criticism is one thing and giving a thing its proper shape is altogether a different thing which is very difficult to realise, unless put into that difficult and responsible position.

Sir, I come from a locality in the remotest corner of the country where people die in hundreds and thousands absolutely unnoticed and uncared for. The people there are so very destitute and hopeless financially that they cannot clothe themselves and their dependants properly nor arrange for their daily meals. To them medical aid is a luxury which is beyond their means.

Sir, this is an agricultural country where the agriculturists who constitute more than 80 per cent. of the total population are the backbone of society. They are cultivating their lands in the same old and stereotyped way as was being done by their great-grand-fathers, whereas in other countries, Government are introducing new methods

of cultivation by scientific process so that maximum amount of profit may be derived at minimum cost. Sir, I have personal knowledge about the forest area in the districts of Mymensingh and Dacca where vast tracts of land remain fallow year after year which can easily bring about a miraculous change in the economic condition of the country if properly developed. Sir, I hail from the premier district in the province where this heavy task has been entrusted to an officer known as the District Agricultural Officer whose very existence is unknown to 99·5 per cent. of the whole population and whose activity seems to be confined to a few acres of land around his quarters, known as the District Agricultural Farm! What to speak of the biggest district like Mymensingh, one such officer is nothing even for a small district like Pabna or Bogra. In this connection, gradual deterioration of the live-stock calls for our serious attention. Here also inadequacy in the number of veterinary officers frustrates the very object for which they are meant.

There is a loud cry in the country for immediate introduction of free and compulsory primary education for which no suitable provision has been made in the budget. We learn with alarm that it is in the contemplation of the Government to put a fresh burden on the people who are already groaning under heavy pressure of various sorts of taxation by way of imposition of a new cess known as the education cess.

Now I beg to ask with all the emphasis that I can command, if this is not the incumbent duty of the benign Government to arrest the heavy death toll due to incapability of the people to pay for treatment; if it is not the paramount duty of the Government to make honest effort to bring back the old prosperity of the country and if it is not the sacred duty of the Government to remove mass illiteracy? If so, I wish the Hon'ble Finance Minister might see his way to make a more generous provisions for the nation-building department. Let us hope and trust that the Hon'ble Minister will not forget this pressing demand when the time comes for revision of the budget.

Now the question may arise: Where is the fund? I say, and say without fear of contradiction, that the fund is there. What is necessary, is only a little bit of change in the policy of the Government and re-adjustment of the budget.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, the constitutional position of this House, while taking part in the general discussion of the budget, is like that of the *Lord Jagannath* whom Hindu mythology has not endowed with hands, but the all-powerful god sits in his lofty car and the wheels crush down to death the very people by whom his chariot is drawn!

The character of the House has been shown in its true colours during the last few sittings when burning political topics of the day

were discussed. It is an irony of fate that the Hon'ble the President of this Chamber, himself an ex-detenu, had to keep neutral when the question of publication of the Detenu Day Notification was voted upon.

However, let us now turn to the discussion of the budget, the formation of which raised high hopes in the bosom of the people, as the author came from the stock to which they themselves belonged. The Hon'ble the Finance Minister, a whilom Congressite and business-man, presenting a surplus budget after so many years of Bengal's depleted finances, was expected to strike a new note. But I must confess the surplus does not stand a moment's scrutiny, and the whole presentation shorn of its verbiage reveals only the old wine in a new bottle!

Bengal, the richest province in all India, has still been under the disadvantage of the Meston Award and though a little more than half of the jute tax has been released for her, the income of the province is still too lean to develop her nation-building departments, after maintaining the white elephants of her administrative, punitive and disciplinary forces.

A predominantly agricultural province spends only three lakhs more for agriculture than what is allotted for her. Printing and stationery, the industries, do not receive even half the attention, and the poor sum earmarked for famine relief barely come up to a little over half as much as the sum allocated under the head "Miscellaneous."

Chronic starvation has become almost natural with the people of the land, and Bengal's young men are committing suicide every day for want of employment.

The top-heavy costly system of general administration and the still costlier system of police rule to keep the people in constant terror and subjugation leave no room for growth of development departments.

While Congress Ministries in other provinces are trying to set an example in this respect by self-denying ordinances, our so-called popular Government dares to propose increment of salaries of Ministers and their allowances, and create a large number of berths for their partymen involving a large expenditure from the public funds.

We have been told by one in high command on the floor of this House that Government was "not a charitable institution," but it must also be conceded that the dumb millions whose life-blood contribute to the treasury of this non-charitable institution might not think of its trustees only as so many "legalised free-booters."

The countryside is groaning under debt and rack-renting, disease and deaths are rampant, and misery and starvation have been the order of the day. But Nero fiddles while Rome is on fire! The people have been told that so long as the magic wand is not available. hard cash

will be required for maintaining law and order, paying the Government servants and building palatial residences for them. But there must be a proportion. The income per capita must be taken into consideration when the expenditure is fixed.

Japan's Premier gets a salary of Rs. 770 a month, her Admirals and Generals Rs. 480 per month and her Judges only Rs. 326 per month. What a sad contrast! The masses of this country are bled white to maintain most highly-paid officers in the world and their salaries and emoluments cannot be touched. Even where the salaries are to be fixed by the legislatures, the tendency in Bengal, at least, is not to fall in line with the ministries in Congress provinces, but to compete with the members of the Most Noble Order of the "Steel Frame" Services.

Election promises and party mandates, as usual, are going to be set at nought, the people's cause has been shamelessly betrayed, and the worst reaction has reared up its head. Reflection of this is shown in the distribution of money in the budget.

The Government trades on the vice of the people, and intoxication and litigation are the two of the main sources of its revenue. The prohibition programme of the Congress Ministers has been viewed with suspicion by the "Birmingham Post" as having deeper motives, viz., to drive away the British by a peaceful method. It shows how John Bull thinks an Empire less worthy than his favourite bottle. Indians were proverbially noted for their temperate habits, but they have systemtically been corrupted to fetch revenue for a irresponsible bureaucracy.

There is no indication in the present budget to show deviation from this policy. There is no indication to discourage the litigating habit of the people which has ruined so many hearths and homes. Only silver lining in the cloud is the attempt for introduction of debt settlement boards by Government, but the experience gained within the short time of their existence shows their very composition and mode of functioning are almost always to the advantage of the capitalists.

Primary education cannot be introduced without fresh taxation, and its introduction in the district of Mymensingh has raised a chorus of protest from the people. With taxes on tobacco, salt and matches, the Government is not satisfied, and fresh taxation will be the last straw that threatens to break the camel's back.

We are looking forward to a change in the outlook of the Government under the new Reforms, but where is the indication? We know nothing can be achieved overnight with Alladin's magic lamp, but has the beginning been made? We pause for an answer.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I rise to offer a few constructive suggestions for the consideration of the Hon'ble Finance Minister who has presented the budget with an excellent introductory speech dealing with all the important problems which at this moment have been agitating the minds of the people of Bengal. I must say at the very outset, however, that although the speech of the Hon'ble Finance Minister is very interesting, the budget itself is not quite up to our expectation, as no change of policy is visible in the budget figures. I, of course, know the Hon'ble Minister had no time to think over, mature and include any big scheme in the budget, but if I were in his position for showing my earnestness of purpose in tackling the various problems dealt with in the introductory address, I would have allotted some money for experiments and preliminaries connected with each of the problems.

Of all the problems, the most important is the bread problem. The Hon'ble Minister has rightly remarked about the appalling poverty of the masses and has hinted at imposition of a new tax on the richer people for their upliftment. I whole-heartedly support his proposal, and suggest an indirect taxation on the sale of all articles of luxury, which alone can bring in about two crores of rupees annually to the coffers of the State. With these two crores, by guaranteeing interest at 4 per cent., we can raise 50 crores and may start industrialisation of the country in right earnest side by side with introduction of scientific and planned agriculture. Sir, the incidence of revenue per head of population in Bengal is only a little over Rs. 2. The incidence is higher by 30 per cent. in the United Provinces, 50 per cent. in Madras, 75 per cent. in the Punjab and 300 per cent. in Bombay, although the Bengal raiyat does not pay less rent than his brother in Madras, the United Provinces and the Punjab. The Permanent Settlement is no doubt responsible for this low incidence of revenue, and the consequent financial poverty of Government. Bengal cannot, therefore, take up any big scheme of amelioration of the condition of the masses without fresh taxation, unless the Permanent Settlement is abolished. All civilised countries have recourse to taxation for strengthening their financial position. Germany and France have been collecting turn over sale-tax on all articles sold, and Britain has also imposed sale tax on many articles. If our richer brethren grudge payment of a small indirect taxation for the upliftment of the masses, I would call them not only selfish, but enemies to their motherland. They must have some feeling for the half-starving millions whose average income can be proved from Government statistics to be far less than what Government spends on food and clothing only of third class prisoners in jail.

Sir, in the budget for the current year only about Rs. 27 lakhs have been provided for the wealth-producing Departments of Agriculture and Industries on the proper working of which alone depends the

economic emancipation of Bengal. The amount is ridiculous for a province like Bengal of which many districts contain as much population as some of the independent countries of Europe. We must finance those departments by crores and crores of rupees if we want any substantial result, and I have already submitted how about 50 crores can be easily raised. In the current year's budget I would allot some money, say a lakh or so, from the surplus, for preliminaries connected with industrialisation, including pay of foreign experts whose help will be necessary in drawing up schemes. I would also allot another lakh for agricultural survey with a view to introduction of scientific planned agriculture and also another three lakhs for free distribution of manures and seeds.

Sir, now coming to the allotment under the head "Education," I find that out of the increased provision of 4,90 lakhs, only about a lakh has been allotted for primary education. I would supplement the allotment for primary education by another five lakhs from the surplus and earmark it for cost of constructing primary school buildings and for training of *gurus* of whom a huge number will be necessary as soon as primary education is made free and compulsory. The proposal of giving effect to the Primary Education Act has been held up, for consideration whether it can be done without realisation of education cess from the raiyats. I would secure the requisite money for free primary education by effecting retrenchments. The Hon'ble Minister in his speech has said that little saving can be expected from retrenchment and economy, but I would invite his attention to the Swan Committee's Report of 1932, according to which a saving of 1 crore and 84 lakhs can be effected by retrenchments. Effect has been given only partially to some of the recommendations of the committee with no appreciable result. But, Sir, I believe I voice the opinion of the whole House, when I say that we insist on full effect being given to all the recommendations and 1·84 crores saved annually for meeting the cost of free and compulsory primary education. But if there be apprehension of some delay owing to official red tapeism, an emergency cut of 10 per cent. should be imposed from 1st January on all expenses and the requisite fund secured.

Under the head "Public Health" 6·88 lakhs of increased allotment has been made, and a large amount out of this has been assigned for improvement of water-supply. But the rural water-supply problem is such a big one and at the same time so pressing that in a surplus budget it will be only proper to allot as much as we can for it. I would allot another 10 lakhs from the surplus for water-supply.

An increased provision of 2·57 lakhs has been made under the head "Medical," but most of the money has been allotted to particular institutions. I don't know whether the Hon'ble Minister is aware that the district boards, owing to financial stringency, are not able to supply sufficient medicines to their charitable dispensaries and on an

average a dispensary which spends Rs. 1,000 on staff, gets only Rs. 200 for medicines. I would suggest an allotment of 1 lakh from surplus for supply of medicines to charitable dispensaries under district boards.

For the debt reconciliation boards an increased provision of 14·46 lakhs has been made, and we are all grateful to the Hon'ble Minister for it, but I apprehend all this money will be entirely wasted and the agriculturists whose debts are cleared will again be involved in hopeless debts, unless purely agricultural banks are started at once for financing agriculturists in time of agricultural needs. For an agricultural bank in every thana with a capital of about Rs. 30,000 I would raise 2 crores of rupees by guaranteeing 7 lakhs annually from provincial revenues as interest. In the current year's budget I would allot 2 lakhs from surplus for payment of interest for raising the money.

I would allot 7 lakhs from the surplus for the relief of the unemployed and the indigent and thus make a modest beginning in the line of social service for which Britain has been providing money in the budget from so far back as 1601. We should gradually have our poor laws and provide for State contribution to unemployment insurance like all other civilised countries.

The aggregate of the additional allotments I have suggested comes to 30 lakhs as against the surplus of 34 lakhs. There is no point in keeping a big surplus when our needs are so many and so pressing. It will be sinful to withhold even a morsel of food from the hungry and a drop of water from the thirsty. Besides that experience has shown that it is a bad policy to leave a big surplus as it encourages the spending authorities to be less economical in the hope of drawing on the surplus by asking from supplementary grants.

One point more and I have finished. Sir, the Hon'ble Minister has quoted from the Punjab Finance Minister's address and said that nothing phenomenal can be expected with the change of Government. But, Sir, I am particularly proud of my own province Bengal and should not like to follow the Punjab. Bengal as the premier province of India should give the lead to other provinces. Here in Bengal we have the good fortune of having as our Finance Minister an outstanding personality of proved ability who has shown phenomenal success in a particular line of business, and we do expect spectacular improvement in the economic condition of the people of Bengal within the term of his office. He has already given thoughts to all the problems, but had not indicated their actual solution by giving a start to any new policy. I have, therefore, made some constructive suggestions for utilization of the surplus in the budget, so that the ideas in his mind which have found expression in his speech may be truly reflected in the budget figures also. I have also made definite suggestions for tapping money for industrial and agricultural regeneration as also for introduction of free and compulsory primary education. I hope, Sir, my suggestions will receive due consideration. I end my address, Sir,

with a prayer to the Almighty that He may give courage and strength to the popular ministry to ameliorate the condition of the masses whose interest is their sacred charge and may He guide them by the right path. Amen!

Khan Bahadur ATAUR RAHMAN: Sir, I rise to make a few constructive criticisms on the budget. Although I am sitting physically behind the Government benches, my heart is on the other side to fight with the Ministry over the question of the budget.

Mr. SHRISH CHANDRA CHAKRAVERTI: Don't stab them in the back.

Khan Bahadur ATAUR RAHMAN: But I have no weapons in my hand.

As regards the budget, I see the Hon'ble Finance Minister feels himself gratified that he has been able to present a surplus budget. It is no wonder for him as he has seen surpluses almost all his life. But there is this difference—in his previous occupation he always tried to suppress the surplus because if any surplus was produced there, it would have been examined by any Income-tax Officer, while here he has no such fear. He has, therefore, been able to show some surplus in the budget.

Sir, I have gone carefully through the mass of jugglery of figures and the interesting speech made by the Hon'ble Mr. Sarker, which is a fine lecture on political economy before the House. Sir, it is said that we now have got a democratic and responsible Government. But from the budget estimates and the Hon'ble Finance Minister's speech, I am sorry to say, as has been said by the previous speakers, that I find no indication of any change of policy here. I fully endorse the views made by other speakers that our country now expects that the Ministers should make some changes in their policy.

But, Sir, in defence of the Finance Minister I must say that he came into office in the beginning of the financial year and the budget schedules were prepared long before he took over charge—perhaps they were prepared some time in November last. So, the present Ministry had to formulate their budget on the lines of the schedules which they received from the past regime; thus they could not possibly make much radical changes in the new budget. We would have been happy if we could find that there was an attempt or indication showing what policy would be adopted by them. However, only one change, if you call it a change at all, is seen in the new budget: for the last two decades we have seen "voted" and "non-voted" in the budget, and now we find "charged" in place of "non-voted."

Sir, no democratic Government will be welcome unless it exists for the good of the dumb millions, and I find very little has been provided for the amelioration of their wretched condition. I cannot lay the

entire blame at the doors of the ministry for this. The law itself ha restricted their powers. Out of the total revenue of 11 crores th ministry has no control over 1·8 crores which is charged on the revenue

Sir, the ministry is lucky enough to get an increased share of jut tax from the Government of India which is a windfall for Bengal. So Government should set apart this sum for the improvement of the jut cultivators, but to my utter disappointment I find that the whole o this sum is merged in the general revenue and consumed in salaries. But if Government would, on the basis of this huge sum of money, raise a loan and start a big co-operative society to control the whol jute production of Bengal, then I would assure, you, Sir, that the poo cultivators would be very much better off than by any other scheme.

Sir, my next suggestion is that the tobacco tax, the pinch of which is very much felt by the poor cultivators, should at once be withdrawn, as a *chilum* of tobacco after a day's hard labour in the fields is the only luxury of poor cultivators and this tax is greatly resented by them. I must warn the ministry that it is a weapon in the hands of the oppositionists to win over the whole mass of the people on their side and in fact this had been the propaganda at the time of last general election. So, instead of levying such a tax, I would humbly suggest that the proposed Bill of Khan Bahadur M. Hosain be accepted and heavy taxes be imposed on all articles of luxury of the rich.

Sir, I need not say more as regards education as it has already been very eloquently described by previous speakers. Mass education is indeed necessary. But before education, we must have something in our stomach, and that is a thing which should be felt more seriously than education itself.

Sir, I would now say a few words regarding irrigation in the country. Irrigation is a very important thing. But before any irrigation is taken up, will the Hon'ble Minister in charge of Irrigation in company with the Hon'ble Finance Minister take a joy ride to Dum Dum and see the country on the roadside. The whole countryside is in a deplorable condition which many of us have seen for the last 30 years. Has the Irrigation Department done anything in this respect to improve the condition of this area which is before their very eyes? So, Sir, you can imagine what is the condition of the country in distant places.

During the last two centuries railway bridges and roads had been constructed indiscriminately without looking into the question of their effect on the health of the people and without due regard to the proper drainage of the country. I cite two examples of recent years, of one of which I have personal knowledge. The railway line from Bandel to Barharwa was constructed along the banks of the Ganges during our life-time. It has brought about a complete physical change of the country by water-logging the neighbouring areas and you cannot form an idea of the sufferings of the people caused by the construction of this

railway. Malaria is increasing from day to day and thousands of people have lost their lives already; the old salubrity of the country is gone. Regarding Burdwan, Dr. Bentley once said that Burdwan was a salubrious country before the construction of the railway; but what is it now? If any of you have travelled on Sara-Serajganj Railway in the rainy season, you must have noticed that the water level on the left side was higher by two feet than on the right. The miseries of the cultivators in the eastern part of Murshidabad and Nadia can be better imagined than described. For the last three years since the protection works of Sara Bridge the country is being flooded just at the time when the *bhadoi* crops are about to be harvested. The endless sufferings of the people cannot be imagined; it is only those who suffer that understand it. These are the things for which a bold and comprehensive scheme should be drawn up. Half-hearted ordinary measures will not do.

The Agriculture Department and the Co-operative and Industries Departments are spoon-fed departments; they are of advantage to the middlemen who are drawing fat salaries and are doing nothing. Nobody can say that the Agriculture Department has done any perceptible good. Suppose good seeds, good manure and encouragement to the cultivators to improve their produce is given and the cultivators also take the greatest amount of trouble to do that, the flood water from Padma destroys the crops when they are ripe or the rain fails. The cultivators under those circumstances cannot pay their rent, but distress warrants are issued, his remaining crop is sold, his cattle and everything he has is sold. The poor cultivator suffers untold misery.

Veterinary doctors are sent to look after the cattle and to give them medicine, but after the pasture land has been taken away by the *zemindar* and settled with other *raiyats*, how can it be expected that the supply of medicine or of good breeding bulls will be of any use to them? If the Government take suitable measures to restore the rent-free pasture land, I can assure the House that all these expenses will come down. There will be no necessity of a Sanitary Department, there will be no necessity of bringing medicines and costly drugs from foreign countries. The poor cultivators get no benefit out of them. I myself have been to many dispensaries in the mufassal and found to my surprise that even tincture of iodine could not be found there. What do all these show? Is it not mockery to say we have come to save, improve and revive the industries of Bengal? Does not every one of us know that we had a thing like the Dacca muslin and Murshidabad silk? The ruin of these industries is a painful story. Can these be revived now when there is keen competition? Weaving schools are being started, but does the House know how many thousands of weavers we have got now, who do not get two meals a day? What is the use of more weavers? What is the use of having weaving schools? I say they ought to be abolished forthwith, and the money thus saved utilised

for other purposes. Some Minister thought that he would make a show of bell-metal work, which was carried out in this country, at the expense of Government. I have come across hundreds of bell-metal workers and brass workers who are starving because they cannot stand in competition with alluminium and enamel works; the bell-metal work has no market. What is the use of wasting more money on them? Can these not be abolished altogether and the money put in irrigation? If settlement maps and settlement records are compared, it will be found that the tanks already existing in the country are almost silted up and people have not got money to re-excavate them. If money is spent on irrigation by resuscitating the rivers, Rs. 25,000 under "Fishery" can be saved.

Mr. PRESIDENT: Your time is up. Please try to wind up your speech.

Khan Bahadur ATAUR RAHMAN: All right, Sir. I shall finish in one minute.

I do not know for what purpose it is being paid in England. We Bengalees are known to be great talkers, and we excel others in talking, and that, constitutionally we are nothing but talkers in this House, and I appeal to the Ministers and all the members in the other House to take some notice of the speeches we are making here. We cannot cut their budget, we cannot cut their salary, we cannot cut their motor car allowance or house allowance, we only want to impress on them that it is the wish of the country that Ministers should take some bold steps in improving the fertility of the soil and facilities of agriculture. They can take a leaf out of the things done in Madras. Some have said that the Ministers here are taking more salary than those of Madras where they take Rs. 500, or of Japan where also they are taking Rs. 500. I do not say we should compare their salary with that in other provinces and countries; we must go by our social position, but a time will come when we shall all wear loin cloth like Mahatma Gandhi due to whom loin cloth has become famous. Loin cloth is one which all our people are using, but the Ministers have a sacred duty to do something for the poor people.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, democracy is an expensive business. Those who have come to the legislature on six-anna and other small franchise should realise that your votes would demand more expenditure for their own welfare. I suggest that our budget is based on unsound principle of taxation. The broad principle is that taxation depends on ability to pay; but this is not so in Bengal. You take any item of revenue—say land revenue of 3½ crores. Can anybody deny that most of it, if not all, comes out of the pockets of the tillers of the soil, through the various agencies—landlords or *jotedars*? The excise revenue of 1 crore 37 lakhs is derived

mostly from sale of country liquor, and drugs patronised by the poor for relaxation. This revenue will soon shrink, as the majority of Congress provinces are determined to abolish drinks and drugs.

Take Stamps; with 3 crores of rupees most of it is derived from sale of judicial stamps. Court-fees realised in *munsif's* courts over rent and small money suits and the *raiyats* pay for them. These three items alone account for more than half of Bengal's revenue apart from tobacco and other miscellaneous taxes. Is this principle sound? Are not these poor cultivators overtaxed according to their ability to pay? I would suggest seriously the imposition of death duty as the least objectionable of all taxes in the world. Did not the British exchequer benefit to the extent of nearly 2 million sterling by the death of Sir David Yule, a Calcutta business magnate? We in Bengal got a share from his estate to the extent of Rs. 37 lakhs—a windfall for us. The death of Sir Rajendra Nath Mookerjee, of revered memory, would have benefited our revenue if we had death duty to the extent of 30 lakhs of rupees. Death duty, I repeat, is least objectionable. Do we not find that vast properties fall in the hands of adopted sons who squander and set bad examples? Do we not see vast estates go abegging for want of successors, and succession suits in the country enrich lawyers and properties disappear through litigation? Think of the accumulation of fortunes at Burra Bazar! Do you know, Sir, the amount of income-tax that is paid by monied people of Burra Bazar? It is something like 46 per cent. of the whole income-tax collected in Calcutta. And what a tremendous amount it is! A great deal of their money goes to the construction of temples, *athitsalas* and *dharamsalas*, and they are all outside Bengal! I say let us have our Bengal's share from these quarters. These, Sir, are my observations on the general budget.

Now, I come to my own subject, namely, that of labour.

Adjournment.

Mr. PRESIDENT: Order, order. The House is now adjourned for fifteen minutes for prayer.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, may I have four minutes in which to finish my speech?

Mr. PRESIDENT: No; you can speak after the adjournment motion has been disposed of. When the House reassembles after prayer, we will take up the adjournment motion, and after the adjournment motion has been disposed of, it will be for the House to decide whether they will resume the general discussion on the budget to-day.

(The House then adjourned for prayer.)

Motion for Adjournment.

Mr. PRESIDENT: Order, order. The Council will now take up the discussion of the adjournment motion.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I have not yet finished my budget speech. I did not exceed the time-limit.

Mr. PRESIDENT: You will get your chance later on.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I beg to move the motion for adjournment of the business of this Council which stands in my name. It runs as follows:—

"This Council do adjourn its business to discuss a matter of urgent public importance, viz., the situation which has arisen out of the hunger-strike amongst political prisoners in the Andamans, nine-tenths of whom are Bengalees."

Sir, the prisoners in a body sent up a petition to the Government of India making four prayers, I should not say demands, but four prayers only—

(*1*) That they may be repatriated or sent back to the provinces from where they came.

(*2*) That they may be raised to "B" Class prisoners.

(*3*) That there may be a release of political prisoners.

(*4*) That there may be repeal of repressive laws.

Now, Sir, this petition reached the hands of the Government of India on the 20th of July last, but on the 18th of July these political prisoners sent a telegram to the Chief Commissioner of the Andamans and the Nicobar Islands intimating that, unless their prayers were allowed, they would go on hunger-strike on the 24th of July. As a matter of fact, their petition was rejected, and the hunger-strike began on the 24th of July. Sir, the situation, however, has become so serious that four sub-assistant surgeons and one assistant surgeon will be leaving to-day—or probably have left—to look after them and to attend to them. Not only that, Sir, the position there has become very very serious—alarming I should say—for in to-day's papers we read that the Premier of Bengal has sent a telegram to the Chief Commissioner of the Andamans and the Nicobar Islands desiring to know what the position is there and requesting that the hunger-strike may cease. Out of these hunger-strikers—187 in number—156 are Bengalees, and

besides these hunger-strikers there are a large number of Bengalees who have gone on strike—or rather struck work. Jails are, after all, reformatories, where every civilised Government tries to reform prisoners by humane treatment. Every civilized Government is responsible for the health of the body and mind of all the prisoners entrusted to their charge. Here, the political prisoners belong to the higher classes in society and are used to higher standards of living. It is said that certain amenities have been allowed in the Andamans, viz., improved lighting and improved mode of living, and also a sum of Rs. 200 has been allowed for the purchase of books. A ground has also been allotted for play. But, Sir, we have got the testimony of an ex-convict from the Andamans to the fact that the play-ground allotted is too small for 300 prisoners even to move about, and that the money allotted is not used for the purchase of books which are really wanted by the prisoners. Besides, the diet that is allowed to them is very inferior in quality. The rice, particularly, is very bad.

Then, again, let us consider another point of view of jail life: it is to break the dull monotony of prison life in India, as in all jails in civilised countries, that friends and relatives of the prisoners are allowed to see them, and even the prisoners are allowed a change from one jail to another. I ask in all seriousness whether it is possible that friends and relatives of these prisoners can go over to the Andamans to see them. I also ask in all seriousness whether it can at all be possible for a change of these prisoners from one jail to another so long as they remain in the Andamans. Sir, Bengalee prisoners should not have been sent out at all to the Andamans. It is said on behalf of Government that, as a matter of fact, these prisoners, while in Bengal, conspired against the Government. I ask in all seriousness if that is so, why instead of sending them to the Andamans, stricter or more vigorous precautions were not taken and yet keep them in Bengal. Supposing, a similar thing happened in England. Would you say or would you believe that the English Government would send any one of them out of England? I believe not. As a matter of fact, when the old Government, of which the Hon'ble Khwaja Sir Nazimuddin was an important member, sent them out to the Andamans, I would say that that was wrong No. 1 done to these prisoners. The wrong No. 2 that is being done by the present Government is to refuse to right that wrong—to refuse to bring them back to Bengal, their own homeland, within the jurisdiction of the Government of Bengal. Then, again, the Andamans is not an ideal place; it is not fit for human habitation. It is full of malaria. Then again, Sir, hunger-strike is not resorted to as a matter of pleasure. In 1932 and in 1933 hunger-strikes took place in the Andamans. In the present year we find again a hunger-strike amongst the political prisoners. In 1933 three precious lives were lost and that was due to hunger-strike and forcible feeding. Hunger-strike is generally adopted after due deliberation and fore-thought when there

is no other recourse left to the prisoners for the purpose of drawing the attention of the public as well as of the Government. Would the Government ever consider the grievances of these political prisoners had there been no hunger-strike? I say, Sir, that when the petition of these unfortunate prisoners went up to the Government of India, the Government of India rejected it on the ground not of hunger-strike but because the petition was submitted *en masse, i.e.*, by the prisoners in a body; but I hope, Sir, the defence here will not be taken on those lines by the present Government. It may be urged here that the hunger-strike must be given up as a condition precedent to the consideration of the question of repatriation. I submit, Sir, that a strong Government never loses the estimation of the people if it yields to justice and fair play; it rather raises itself in the love and estimation of the people when it knows when to yield even to agitation. Sir, the Hon'ble the Home Minister will possibly say that the Andamans prisoners can be brought back to Bengal if Government got the support and the co-operation of the public. If there is good-will and sympathy of the public towards the Government, and if it is convinced that there is no chance of any recrudescence of trouble, even when Regulation III prisoners and detenus are brought back to Bengal. Sir, my answer to this is very simple. Power has now gone to the masses with the vote, and the representatives of the people have formed the Government. If the public insist in public meetings and from the platform and in the press, inside this legislature and outside it, and gives its opinion to this effect that this penal settlement should go and that these prisoners should be repatriated, as has been done in this case, I submit that it will be the duty of Government to loyally carry out these wishes. Otherwise, how can the Government expect co-operation and sympathy, and good-will, which has been asked for by Hon'ble Members on the other side? As a matter of fact, Sir, it is not for the people to give this co-operation, it is for the Government to secure it by its own action. Release them immediately. Sympathy, co-operation and good-will would follow then as a matter of course. This Government has maintained an army of spies and informers. It is to their interest always to keep up a row as long as they can. How can then the Government be convinced that at any time the atmosphere is serene and that there will not be a recrudescence of the trouble? My remedy is a simple one. I say, have courage and sympathy, trust them and bring them here, give them opportunities to become good and useful citizens.

Sir, the United Provinces Government has already written to the Government of India to repatriate their prisoners back to the United Provinces. Did the Government of the United Provinces decide that hunger-strike must be given up before any question of repatriation could be considered? If the analogy of the United Provinces will not hold good, will the analogy of the Punjab hold good? Taking his stand behind the Coronation of the King and the inauguaration of the new Constitution, Sir Sikander Hyat Khan repatriated the martial law

prisoners and brought them back to the Punjab. Under similar circumstances the Ministry of Burma took courage. They did not ask for the support and sympathy of the public but quietly released 252 Tharawaddy rebels before whom the Chittagong Armoury Raid prisoners paled into insignificance. In Chittagong there were a few executions; in Tharawaddy several rebels were executed. But the Chief Minister of Burma had the courage to release the rebel prisoners, making it a ground for amnesty. Will the Government of Bengal take the fact of the Coronation of the King and inauguration of the new Constitution as a ground for amnesty? Sir, it is all a case of goodwill; it is all a case of trust; it is all a case of courage. I say, have courage, trust them, give them sympathy and everything will go well. I pause for a reply, and I move my motion.

Mr. PRESIDENT: Motion moved, that the House do now adjourn.

Mr. KAMINI KUMAR DUTTA: This subject has been fully discussed by the public in meetings and in the press. At the outset, therefore, I think, I cannot begin it better than by just referring to a portion of the statement of the great poet made at a public meeting held in connection therewith. I will not read the whole statement but a portion, the temptation to read which I cannot resist. It was: "On the Continent of Europe they have their Devil's Island, their Lipari, their Concentration Camps and other specially-built hells for punitive exhibition of humanity, but in England they have no such unhallowed places for intensification of suffering by wrenching away the prisoners from their own soil. When, to our dismay, we find that the infringement of their own rule has been made possible exclusively for the subject races, the insult of their distinction humiliates all of us and I offer my protest in the name of my country." The matter for discussion in this House to-day is a very simple one. We are not going to deal with the problem as to whether they were rightly convicted or wrongly convicted. We take it that they are convicted prisoners, but we must remember at the same time that it is for the Government of Bengal to deal with their grievances and, if possible, to redress them. The Government of Bengal may say that so long as they are in the Andaman Islands, they are not in a position to deal with them. They are outside their jurisdiction. Sir, the Government of India is only responsible for the safe custody of the prisoners, and they have already said that as to their complaints and grievances, those are matters within the jurisdiction of the local Government concerned. So, in order to enable the provincial Government to properly deal with their grievances and to be in touch with them, is it not urgently necessary for Government to take immediate steps to repatriate them and then to

take cognisance of the whole question and deal with their grievances with a view to giving what redress in the opinion of the Government of Bengal would be thought fit?

Sir, the hunger-strike did begin on the 24th July, but the public had no news till the 30th. I refrain from using any strong language that the news was suppressed. Let me take it that Government had no knowledge of it. But when an enquiry was made to-day, on the 6th of August, whether Government is in possession of facts regarding the Andaman prisoners, the reply was in the negative. Is it not necessary even at this stage that this Government ought to be in touch with the matter concerning the prisoners? Is it at all desirable that Government should keep themselves aloof when the lives of several hundred prisoners are at stake? We have not forgotten what actually happened on a previous occasion when there was a hunger-strike in the Andamans. If these prisoners find that they have no chance of getting any redress, that all other avenues are closed to them, that the elementary right of placing their grievances before the Government whose prisoners they are, is denied them, we do not know what else these prisoners can do, and we simply shudder to think what may be the dire result in this particular case. Three lives were lost on a previous occasion, and we do not know how many lives are going to be sacrificed for denying to them the pure elementary right of laying their grievances before the Government whose prisoners they are for the redress of those grievances.

Sir, the matter is a simple one, although a number of technical grounds have been raised. It has been said that they are in the custody of the Government of India. At the present moment no question of technicality is involved, but it is a life-and-death question to several hundreds of people. They may be prisoners; they may be terrorists; they may be convicts; but after all they are of my own country, and their lives are as much sacred to us as the life of anybody else. And when their lives are in jeopardy, is it not the duty of the Government which claims to be humane and just to listen to their grievances and to assure them that their grievances would be heeded to? To put an end to this hunger-strike, what is really wanted is an assurance that these prisoners would be repatriated to Bengal and that the Government would listen to their complaints. Are the Government going to extend this ordinary elementary act of humanity to these unfortunate prisoners?

It has been said that they have broken the jail rules and that they must suffer for it. If jail rules are a thing which should be obeyed I submit there is a higher code than these jail rules—I mean the dictates of humanity—which must be obeyed more than any statute or any rule. If we quote the instances of what is being done in the other provinces, it is said that their cases are different from ours. I we say that Sir William Vincent once declared on the floor of the

Indian Legislative Assembly that this penal settlement ought to be abandoned, the reply is that things have changed since 1921. Sir, things might have changed, but after all it is a penal settlement. Whatever changes might have been made, whatever small palliatives might have been conceded to, it is still a penal settlement where prisoners have got to live beyond the control of public opinion, wrenched away from the soil where they were born and brought up.

Then it may be said that this is a question of prestige. Sir, it is not a question of prestige at all. No question of prestige can arise between a powerful Government like the Government of Bengal and a few helpless prisoners in the Andamans. What the prisoners want is a hearing of their grievances and redress of them, and the question is one of effectively dealing with the problem by bringing them back to Bengal. Indeed, for the cause of humanity, for the cause of the country and for the cause of a number of human lives which are in danger, we appeal to the Government—let not the feigned idea of prestige, let not the feigned idea of the Jail Code or jail rules stand in the way of your administering justice. Let it not be said that if we are to surrender to their grievances, to-morrow prisoners of another class may make similar demands. Sir, argument by analogy is a bad argument. Let not that consideration stand in the way of the Bengal Government taking a bold step showing to the people that they are true to the pledge given to their electors.

Mr. RANAJIT PAL CHOUDHURY: Mr. President, Sir, I rise to support this motion from a humanitarian point of view. The prisoners in the Andamans have not gone on strike on any frivolous grounds, but their prayer is just and any Government that is not barbarous cannot turn a deaf ear to what they have merely asked for. Sir, the Andamans is a place where extreme criminals are sent, but it is not for those who merely love freedom and who merely love their country. Sir, I appeal to this House, and I specially appeal to the Home Minister to consider the importance of this case, to consider the lives of the flowers of Bengal, and I hope he will give a sympathetic hearing before any disaster overcomes us. With these words, Sir, I support the motion.

Nawabzada KAMRUDDIN HAIDER: Mr. President, Sir, the motion before us will at once elicit a sympathetic consideration of the House, but to approach the question we have to give a deeper thought to it apart from its humanitarian aspect. There is no doubt that human impulse would suggest that the prisoners should be released specially when they are thousands of miles away from their hearth and home and completely cut off from the connections of their near and dear. Sir, if this had been the only consideration, then no criminal or

offender of the law would be liable to any punishment for any of their delinquencies. The course of law has to be diverted to suit the personal likings and dislikings of the offenders? This will necessarily expose the society in a dangerous position never to retrieve again. Such being the situation, the only inevitable conclusion is that the breakers of law must at once be met with a corresponding punishment. So we see, Sir, that appealing to humanity is not merely sufficient to plead on behalf of the prisoners. The next point is whether the convicted prisoners should be released or brought back to their native country from the Andaman Settlements. Approaching the first question of release, I for one, Sir, do not like the way it has been brought about. It is a deliberate threat to the Government on the one hand and on the other to offer requisite weapon in the hands of those who would vigorously carry on a campaign for their release which could not be obtained otherwise. If the grievance is genuine, I think, Sir, it should have been approached in a more constitutional manner rather than take recourse to an attitude which is neither wholesome for them nor prudent to take such a step at a time when the whole political atmosphere is surcharged with suspicion and distrust. The Hon'ble Minister in charge will enlighten us as to the real state of things there. We will await his reply. Sir, as to their bringing them back to their native country, it is for the Government to decide first whether the accommodation in the existing jails is sufficient enough to house them, as we are aware that the detenus from Bengal are more in number than from any other province. Sir, I look at the question from another viewpoint. I think that if they are not brought back from there, it would be beneficial for them from the health point of view. The sordid climate of Bengal is in no way better than the pure and wholesome climate of the island. As in case of ailments we send our relations to better climate so these misguided youths whose minds are polluted and brains naturally affected by incessant haunts of the devilish ideas, require a healthier place to dissuade themselves from the pernicious ideas which are eating into their vitalities, leaving them nothing but a shadow of a real man. Sir, I do not for a moment say that their grievances be not redressed, but let this be done and done with a haste that the situation demands; at the same time I do not support the motion of the mover to adjourn the House on materials before us, specially when there are so many important matters before the House for our deliberations.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Mr. President, Sir, as everybody knows, I do not belong to the Congress Camp, but on this occasion, have to say a few things which to my mind appear to be in the minds of the most of the people that move about. What are the reasons which prevent our present Government from bringing the

Andaman prisoners to Bengal? I gather from the Home Minister's speeches that these are dangerous people—most of the 244 convicts are terrorist of the worst type, assassins, political robbers, anarchists, and so on. It will be paying high premium to violent crimes by giving them any concessions. It will be extremely risky to keep them in Bengal, as they will make propaganda from jails and they will revive revolution and so on. Another reason for not yielding to the Andaman hunger-strikers is that other convicts will follow suit and jail administration and imprisonment will be a farce. These are certainly very forceful arguments in defence, but they cannot be supported at the present moment, because of the new type of Government—Provincial Autonomy—only recently introduced in the country. Have not the retiring bureaucracy released dozens of anarchists or given concessions? What about Barin Ghose who turned over a new leaf on return from the Andamans on concession? What about Rabindra Banerjee who made attempts on the life of our great Governor? Was he not released and sent to England? Andamans, according to some, is healthy and according to others is unhealthy, but it does not matter in the least. These convicts, assassins and terrorists want to be repatriated to their homelands. They are not ordinary criminals. Did not the Government yield to Mahatma during his famous hunger-strike which brought about the Poona Pact? I say this, that this is the most suitable time to act and not sleep over it, because every other province under Congress is acting and not sleeping. It will bring co-operation and restore good-will of an influential section of the public towards Government by repatriation.

Mr. HUMAYUN KABIR: Mr. President, Sir, we have not before us a copy of the exact form in which the motion for an adjournment has been moved before the House to-day, and, therefore, we can only take a very general impression of the purpose for which the adjournment has been moved. The issue which has been raised is the question of the situation that has been created by the hunger-strike of about 300 persons in the Andamans, and it is suggested that this House should adjourn and give up discussion of the normal routine of the budget in order to discuss the urgent problem raised by this adjournment motion. Sir, we, at the outset, suggest that with this adjournment motion we have a great deal of sympathy. Speaking as a supporter of Government, I would repeat that with this adjournment motion we have a great deal of sympathy, but it also raises a question of party allegiance, a question of prestige of Government which make it difficult for all members to see the question from the same point of view.

Sir, I would submit to the Hon'ble Minister for Home Affairs that the problem which we have to discuss here to-day can be looked at from different points of view. Let us first of all take the bare facts

of the case. It has been suggested by some speakers of this House that the Andamans is a very healthy place. It may be so or it may not be, but I would submit that that is neither here nor there. It may be the best place in the world, but the fact remains that it is a penal settlement. The fact remains that it is not within the limits of India at all. I would submit further that in spite of what we might say about the healthiness of the place or about the other amenities of life provided there, the fact remains that the prisoners are exiles, who are shut out from all connections with people outside, who are prevented from meeting or discussing or talking with their relatives or friends, who are deprived of all intelligent fellowship or human intercourse. I would, therefore, submit to the Hon'ble Minister in charge of Home Affairs that the question at issue is not the question of healthiness or unhealthiness of the place, but whether it is a penal settlement or not—whether it is a place of exile or not.

This raises the question of the theory of punishment we wish to follow in our country. It has often been said, and one speaker suggested, that the Andamans prisoners are criminals and that if a person commits an offence, he must pay for it. I would submit, Sir, that to-day all over the world there is a movement against this type of retributive punishment which says: "An eye for an eye and a tooth for a tooth." If we accept such a principle and follow it to its logical conclusion, we shall have to say that even if the world is destroyed, still a criminal must be punished. That theory, I submit, Sir, is not justified by the testimony of history. We find to-day that capital punishment has been abolished in many countries. It does not appear that in such countries there has been an increase of murders with the abolition of capital punishment. If we look to the statistics of crime in different countries and compare them, can we say that the countries in which they are more lenient, suffer more from such crimes than those in which the laws are stringent? I would, therefore, earnestly ask the Hon'ble Minister in charge of Home Affairs to look at the matter from that point of view.

We have now come to the parting of the ways. That is quite apparent to all. It is the parting of the ways when even with regard to our attitude towards criminals, towards convicts, towards prisoners, there should be a salutary change, and I would appeal to the Hon'ble Minister that if there be a salutary change, no dire consequences will follow. Other countries have taken the risk—it is in the nature of human life to take risks—what has happened in other countries will happen here. I would further say that the appeal to the Hon'ble Minister is not to release all those prisoners who had been convicted and sent to the Andamans. It is only a question of bringing them over to their own mother-country and imprisoning them here. It is not a

question of releasing them altogether. It is a question of confining them in India for the rest of their punishment; it is a question of dealing with them sympathetically and as human beings.

Sir, there is another point on which, I think, there is a certain amount of confusion of thoughts in this House, viz., the question of prestige. First of all, I would submit, Sir, that the Government of Bengal is not directly concerned with this question which is primarily the concern of the Government of India. Therefore, for whatever action that has been taken in the past in this matter no one can hold the Bengal Government responsible. I would remind hon'ble members who want information regarding these prisoners, that they have to ask for it from the Government of India and not the Hon'ble Minister in charge of Home Affairs here. Here is, Sir, another aspect of the question which we should not overlook. If, we are told, prisoners make a demand and resort to hunger-strike in order to enforce that demand, how can a civilized Government be carried on? That is the point of view which has been raised by the Government. We have to see how far it is relevant or justified. I would submit to you, Sir, that it is not a question of prestige of the Government, it is not a question of yielding to the demand of prisoners. The Home Minister stated in another place that if Government yielded in this way to every demand, Government would have to give up and administration would be impossible. Perhaps that is so from the strictly legal point of view. Nobody can make a claim that the Government should yield to every such demand. But here it is not a demand from the prisoners alone. There is a large section of people in this country who also feel that it is not a demand only of the prisoners, but it is a demand for a reform of the prison law. It is a demand for this change and it is to this demand that the Ministry is asked to yield. I would submit that there is no question of prestige here, because in every country of the world, popular Government always depends on popular support. Only the other day in England we saw an instance of the power of popular opinion when we found that Sir Samuel Hoare, one of the Ministers, had to go simply because, rightly or wrongly, there was a feeling in the country against him. Again, Sir, only the other day when the British budget was presented to the House of Commons, it was the supporters of Government who raised the issue on national defence and as a result of the demand from the supporters of Government, the measure had to be dropped and recast till it was acceptable to them. I would, therefore, submit to the Hon'ble Minister for Home Affairs that it is not a question of yielding to the demand of the prisoners. Government knows its strength in this House. The position of Government is almost impregnable. It is based upon the support and sympathy of a very wide section of the House. Therefore, there could not be for a moment the suspicion that the Government

was yielding to the clamour of the prisoners if they decided to adop a generous attitude. It would, therefore, be a question of acceding or rather yielding (if that word may be used), to the demand of th opposition. I think, Mr. President, it is possible only for a strong Government, a Government secure of its position, to please the opposition in that way. Where party alliances exist and where the opposition is strong, any attempt to reconcile the opposition may be regarded as a sign of weakness and a symptom of the Government's insecure position. Both in this House and in the Lower House the position of Government is secure and comfortably secure; there is not the slightest chance of any misunderstanding, if the Government takes a generous attitude towards the question and yields and takes measures which may go some way in meeting the demand of the Opposition.

Sir, I shall end with only one reference to the changed circumstances to which I have once or twice referred. We are living in changed days—we believe that a new day has dawned upon India and though the majority of us may be dissatisfied with the present Constitution, still there is no denying the fact that it is a transfer of power to a very large extent to an elected Ministry who are responsible to a vast number of people of our country. The extension of the franchise in itself marks a change in the system of Government which is so great that it might lead to consequences which we might not be able to measure properly at this stage. Therefore, to mark this change of atmosphere in the Government I would suggest to the Ministry—I would appeal to them—to take a sympathetic attitude towards this question and yield to this demand. It is always up to the Government to initiate from themselves measures to anticipate the demand and to try to meet the popular feeling, and in this way, I would submit, the position of the Government of Bengal would be made still further impregnable. To yield to popular demand is no weakness of a popular Government: to do otherwise is to deny its character and prepare for its own overthrow.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, may I rise on a point of order? Copies of the motion for adjournment which has been moved have not been supplied to the members.

Mr. PRESIDENT: Very well, I shall read it again for the benefit of the House:—

"This Council do adjourn its business to discuss a definite matter of urgent public importance, viz., the situation created by the recent hunger-strike by prisoners in the Andamans, nine-thenths of whom are Bengalees."

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, my point is that I want to draw attention to the procedure hitherto followed, viz., of supplying copies of motions to all members.

Mr. PRESIDENT: I do not know what you mean by the procedure hitherto followed, as the Council has been sitting for only three days. Perhaps, the Rai Bahadur was not present here when the motion was moved.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, Kt., of Santosh: Sir, as the Leader of the Bengal Council Progressive Party, it devolves on me to place before the House my party's views with regard to the hunger-strike of political prisoners in the Andamans. I do not propose to take up much of the time of the House, and I shall endeavour to place those views as briefly as possible and as clearly as it lies in my power. My party very strongly feels that law and order must be maintained and nothing should be done which would endanger the peace and tranquillity of the province. The law must take its course and law, as we all know, is oppressive only to those who break the law and not to those who prefer to follow the peaceful path of life. Peaceful path of life, however, does not preclude one from responding to the call of duty or spending himself in the service of his country and society. It does not prevent him from being progressive or even patriotic. One cannot break the law with impunity, as the arm of the law is long enough to reach him. The Andaman prisoners were openly tried, found guilty and convicted. But there are moments when justice must be tempered with mercy. In the circumstances which has been created by the hunger-strike of these prisoners, an enquiry is certainly called for. I think the Home Minister will agree with me that the grievances of these prisoners should be thoroughly investigated; and if their grievances are genuine and legitimate, they must be redressed. But one thing stands out in bold relief, namely, that it is just and fair that these prisoners should be brought back to their home province—they are entitled to come back to Bengal; I feel very strongly that they should be brought back to Bengal. (Hear! hear!) No question of prestige is involved in the action suggested. I am sure the Hon'ble Home Minister is not suffering from a superiority complex. He himself has made it clear that prestige does not stand in his way. It has been admitted by my friends on my right —I mean the Congress Group in this House—that these prisoners have resorted to a method which is not constitutional. It has been described by one of them as a desperate measure. From a highly technical point of view when methods employed are not constitutional, Government has got to insist upon matters reaching them through constitutional channels; but nevertheless there are moments when one who is endowed with imagination and statesmanship, as an administrator should be,

has got to go out of the beaten track to save a critical situation. Anyway, it is a part of his duty to see that the people of the country do not feel that the Government is doing something which is the out-come of a heartless policy.

I concede that any policy which the Government may inaugurate must be boldly pursued by the Minister who is to run that policy. I concede that he has got to be firm and even obdurate at times, although it is not a happy position for him to assume. But, nevertheless, when the whole country has taken to heart the miserable conditions of these prisoners and all are alarmed and shocked by the idea that these unfortunate men are going to die and when their grievances are not such as cannot be redressed, it is, I think, a counsel of perfection to do something quickly to alleviate their misery and to so chasten the policy of the Government by a human touch as may satisfy the people.

My party thinks that terrorism must be eradicated; they feel that all subversive movements must be uprooted; they are prepared to lend their help and support to Government whenever necessary to enable it to combat those forces. I hope my friends of the Congress on my right are also prepared to give similar assurance to the Government; but that is no reason why these prisoners cannot be brought back to their home province. The difficulty which confronts the Home Minister is that they have adopted methods which are not constitutional, and he is afraid that if he yields to such a pressure more such cases will crop up in future and embarass him. My party, however, wants him to give a personal touch to the policy which he is following. They do not want him to give up that policy. All that they want him to do is to give a personal touch, a human touch, to that policy. Just to sympathise with the people of Bengal in their great anxiety for the Andaman prisoners. He should allay that anxiety. My party suggest that the Home Minister should send a personal message to the proper authority in the Andamans to indicate to the prisoners and the people of Bengal that he is not indifferent, that he is most anxious to save the lives of the unfortunate prisoners and that he has personally advised the prisoners not to sacrifice their lives. Let it not be said that he is not interested in the prisoners and that he is not anxious to save their lives and that he never tried to save their lives. The telegram we propose to be sent by the Home Minister runs thus:—

"In all sincerity I advise the prisoners to give up their hunger-strike and represent to me through proper channel and by approved constitutional methods their real grievances which I shall carefully consider in due course. I intend to move to bring back to Bengal all Bengal detenus and prisoners who had no open trial as soon as necessary arrangements are completed and after accomplishing this, I shall consider the practicability of moving to bring back to Bengal the Andamans prisoners of Bengal."

If he will send a personal telegraphic message like this I am sure it will give universal satisfaction in Bengal and the members of this House would be only too pleased to support the Home Minister in all his endeavours to save the lives of these prisoners without diverting the normal course of law or ceasing to do his duty according to the light in him.

Mr. NAZIRUDDIN AHMAD: Mr. President, Sir, I am very glad to find to-day an extreme moderation in the tone in which the debate has been conducted by the members of the Opposition. It is a very happy sign and everybody in the House would be glad if contentious things like this are conducted in this spirit. Many hon'ble speakers have said many things about this matter. I will pick up only a few points and deal with them as briefly as possible. One of the hon'ble speakers has cited the example of Mahatma Gandhi having been set at liberty. But I believe that Mahatma Gandhi was never a terrorist and this cannot be used as a precedent in the case of convicted terrorists. Here we are dealing with persons who are confirmed terrorists to whom any lecture or good advice would be absolutely useless. It has been said that this is a question of prestige so far as Government is concerned. I do not think it is a question of prestige at all. It is a question whether the Government should be made to yield to this sort of pressure from persons who have been convicted for committing serious crimes. The primary duty of a Government is to govern. A Government which cannot govern must quit. If Government is to exist it must maintain law and order or it must quit. A proposal has been made that the Hon'ble the Home Minister should send a telegram to the hunger-strikers requesting a suspension of the hunger-strike promising to bring them back to Bengal very soon. I submit that although the proposal is couched in the sweetest possible terms, I am not agreeable to that. It amounts to this, that Government must abdicate its normal functions. May I suggest that the members of the Opposition should send a telegram to the hunger-strikers to suspend their hunger-trike so that the matter may be considered in a dispassionate atmosphere? A matter like this cannot be considered under a threat.

As the valuable time of the Council would be otherwise occupied, I would say nothing more now except that I hope that the Hon'ble the Home Minister will carefully and sympathetically consider each case. The lives of the hunger-strikers are not really at stake because they could be easily saved if they give up the hunger-strike.

Rai Sahib JATINDRA MOHAN SEN: Mr. President, Sir, I do not belong to the Congress, but I belong to the Bengal Progressive Party of which the Maharaja of Santosh is the leader. I am one of those members who stood up to indicate that this House ought to give permission for the discussion of this important matter. My leader has

explained to you the views of our party. But I would personally make some observations in regard to this important matter. You know, Sir, that this matter has stirred the feelings of a considerable section of the people of Bengal. It is a very important matter, and I am glad that I have been able to help this House in bringing up this matter for consideration. I thought that it was necessary that the members of this House as well as the Hon'ble Ministers should have opportunities of explaining their views on this important matter in this House. This matter has been discussed in the other House; but so far as this House is concerned, we would have no opportunity of discussion if permission were not granted. I refuse to believe, Sir, that the Government is really callous and that the present Ministers of Government do not intend to consider this matter in the way in which it should be considered. What I feel is that in the manner in which this matter is considered it is not sufficient to indicate the attitude of the Hon'ble Ministers. I think that it behoves the Government to look into the grievances of the Andaman prisoners and I do not agree that the alleged grievances should not be enquired into unless the hunger-strikers give up their strike. On the contrary, I should think that every grievance should be looked into, no matter whether the grievances come from the convicts or from other people. Every person has the inherent right to have his grievance redressed, and I may be pardoned, Sir, when I say that the present cabinet has unnecessarily brought upon them the bitter criticisms of their opponents by the manner in which they expressed themselves in public from time to time at important meetings.

Everybody knows that the present Government has done a good deal towards the release of detenus. We know that detenus are being gradually released; but the public utterances of the Ministers regarding them have taken away the grace with which they are being released. The maxim that the judge should not only administer justice but that the accused and the public should feel that justice is being done should apply to the case of Ministers. They should not only do justice to the detenus and political prisoners but they and the public should feel that justice is being done to them. I say this because I refuse to believe that the present Government is not really looking into the grievances of these Andaman prisoners. But what I want to say is this that they should publicly announce that they are really looking into their grievances and that they would do what lies in their power in this behalf. If they do so it will not, as a matter of fact, detract from the prestige of the present Government as the previous speakers have said so eloquently and they will not be in the least losers. On the contrary, they will gain in the estimation of the public who will be watching their action very closely. I, therefore, again appeal to the Hon'ble Home Minister to send a message to the prisoners through the Chief Commissioner of the Andamans and the Nicobar Islands or to any constituted authority, expressing his

assurance that he would be looking carefully into the question which has been brought up before this House, and we on this side of the House will be quite satisfied if such a step is taken.

Mr. MOAZZEMALI CHAUDHURY: Mr. President, Sir, may I have your permission to speak in Bengali?

Mr. PRESIDENT: Yes, you have my permission.

Mr. MOAZZEMALI CHAUDHURY addressed the House in Bengali. The following is the English translation of his speech:—

Mr. President, Sir, in the discussion of the adjournment motion regarding the hunger-strike by the political prisoners in the Andamans one thing deserves particular notice and it is that this adjournment motion has been supported by Hindus, Moslems, Christians, Prajas, Congress, the Progressivists and others—that is, by all communities and parties. This is because it is a non-communal question based on the elementary rights of humanity. The Anadaman prisoners have simply demanded what we as human beings would demand. If, while considering their demands, we look upon them simply as murderers and rogues, we shall indeed be doing them as well as ourselves gross injustice. Of course, when they were convicted by Courts we are bound to take them as offenders. But it must not be forgotten that they did not commit offence for any selfish ends or out of any temptation. They were determined to free the entire country from the fetters of subjection and bring back freedom to the country.

Adjournment.

Mr. PRESIDENT: Order, order. The House shall now adjourn for fifteen minutes for prayer.

(The House then adjourned for prayer.)

After Adjournment.

Mr. PRESIDENT: Order, order. Mr. Moazzemali Chaudhury may continue his speech.

Mr. MOAZZEMALI CHAUDHURY: Who will not deny to-day that the masses of the country—all want freedom. Congress, Moslem League and others—all parties desire freedom. I doubt whether there is to-day a single person in the whole of India who says—"I do not want freedom." The only difference lies in the path that is chosen for this purpose. We may not support the path that was chosen by these young men. We may condemn their deeds and we may call them misguided and mistaken, but we cannot on that account deprive them of the ordinary human rights. Nor can we put them in the category of ordinary thieves and robbers. The first demand of the Andaman hunger-strikers is that they should be brought back to their

province, their second demand is the release of political prisoners, and the third the repeal of the repressive laws and the fourth—that all political prisoners should be placed in B Class. Government may easily fulfil all their demands. Every party has in it supporters of these demands. I do not think that any objection can be raised by any person against their fourth demand, namely, the placing of the political prisoners in B Class. This may entail upon Government some additional expenditure, but where lakhs of rupees are spent for the police, this expenditure should not be grudged for saving the lives of so many persons.

I would again call upon all to calmly consider this matter. Who are these prisoners who are advancing bit by bit towards death? They are our countrymen. They may be murderers, but it will never do to allow them to die in this manner. If they had not acted as they did, many among them might have become members of this Council and some might have become even the Chief Minister.

In fine, I should like to say with emphasis that steps should be immediately taken in this matter. They have been kept in prison far away from their parents, wives, children, relatives and friends. At this time of their hunger-strike their near and dear ones have no means to make an attempt even to save them from death. They have been deprived of the opportunity of even standing by the side of their dying relatives. Just think how helpless they are. Consider once how deep the suffering, how keen and unparalleled the anguish!

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I and every member of Government are extremely distressed about the situation, and our sympathy specially goes out to the parents and relatives of the hunger-strikers. But I would like the House to remember that the issue which they have tried to make out is not the issue. The issues have been clouded. The real issue before the House is the demands that have been put forward before the Government of India. It has been asserted here that repatriation from the Andamans is the main question, and that is the real cause of trouble. It has been said that the political prisoners have gone on hunger-strike because their condition of life there was impossible, and because they were suffering such great hardship that they have gone on hunger-strike. That is not true. I may read out the Government of India's Communique in which the four demands are stated. The first demand is that all detenus, State prisoners and convicted political prisoners should be released, the question of grievances of convicted prisoners does not come in at all in this demand. It is release not only of political prisoners but also of detenus with whom they have no concern whatsoever. It is also the release of State prisoners as well. Then, Sir, the second demand is the repeal of all repressive laws—here again, so far as their personal grievances are concerned, they have nothing whatsoever to do with it.

Mr. LALIT CHANDRA DAS: But what are the third and fourth demands?

The Hon'ble Khwaja Sir NAZIMUDDIN: The third is repatriation from the Andamans and the fourth is putting them in B Class. Therefore, it will be obvious that so far as the hunger-strikers are concerned, they have made political demands, and if one may say so, they have to a certain extent encroached upon the rights and privileges of the Legislature. These are matters which the Legislature can take up, and it is not for the prisoners to dictate either to the Legislature or to Government what should be done. Sir, it is quite true that questions about the grievances of prisoners, whether political or otherwise, should be considered sympathetically so far as their condition in Jail is concerned. I have already announced the policy of Government in this connection, namely, that so far the conditions in jail are concerned, Government will take up this question after the budget session and go into it.

As regards the question of repatriation, I have also explained the position of Government. The question before the House now is whether Government should submit to this threat or these demands. I would appeal to the House and to the public outside to consider that under the present constitution under which Government has been entrusted to the representatives of the people and under which there is complete provincial autonomy, we are before the bar of public opinion not only of India but also of England which is watching us as to how we are discharging those responsibilities. It is a test whether the Indians to whom these powers have been given can properly utilise them. I would, therefore, ask the House to consider very seriously, when the issue is between a threat from the hunger-strikers on the one side and the Government's surrender on the other, who should give in. As I have already said, the hunger-strike can be called off in two ways—either by Government surrendering to their demands or by the hunger-strikers giving it up. Now it is for this House and for the people of Bengal to decide whether they should not make it clear that it is the duty of the hunger-strikers to give it up. In this connection, I would like to draw the attention of the House to one fact—does anyone of them approve the method adopted by the hunger-strikers. This, I consider, Sir, is the most crucial question. Even if your own children come and say, "Unless you do this, I am going to starve myself". What do parents do when children refuse to take food because they have been punished? Do parents give in? The children of such parents who give in, in such circumstances, are spoilt children.

A member: Not in all cases.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am speaking very seriously and I do not want this to be treated in a light mood. This

may be comparing a big thing with a small one but I think the analogy holds good. You have got to consider whether the method adopted by these prisoners is the correct method. Would you advocate for anybody in normal life under any condition to take up that attitude? If you accept the theory that this is not the correct way, then I maintain that all other considerations should be set aside for the time-being and it should be made clear to these prisoners that the method they have adopted is not the correct method. They should give up the strike; by it they are merely courting death. Let them understand this thing, Sir. If members of this House get up and say that they condemn terrorism, it means something. But if you say, they were doing things with a high motive, they are heroes; they are great men—men for whom we must have admiration and respect—what impression does that create in the minds of those hunger-strikers if this news goes to them. They may believe that there are men who are fighting for them, that there is hope and that in the end if they may continue a little longer, perhaps Government will surrender. Mr. Humayun Kabir made a very appealing speech and tried to be very reasonable but fortunately, being a scholar, and a scholar with English education, he could not but help letting out the correct words slip from his mouth. It came out that it would be a yield on the part of Government but he withdrew that and put it in a different way, but being an English scholar, the true thing came out of him. You can put it in anyway you like, but I submit that any concession at this time, any modification will be treated simply as yielding to the demands. May I also point out in this connection that if it had been a case of one single individual, unconnected with any movement, unconnected with any organisation; if it could be taken singly apart from the rest, it could be said that no harm could happen if Government did yield. It is not possible to ignore the fact that this is connected with a programme, with a policy and with an organisation, and that if we surrender this time, there is no end to stop the detenus later on from going on hunger-strike and from saying that unless you release us, we will die. I ask, what will be the attitude of Government and what will be the attitude of the public, and what will be the attitude of this House if such a contingency arises. One member said that these people who have gone on hunger-strike are made of a different stuff, and that an ordinary criminal will never go on hunger-strike. For argument's sake if I accept that, what then have you got to say about the detenus?

Mr. LALIT CHANDRA DAS: Then release them as well.

The Hon'ble Khwaja Sir NAZIMUDDIN: Therefore, let us see what is the humane method of dealing with the situation. I have placed the point of view that if everybody in Bengal, especially those whose advice carries weight—I mean the Leaders of the Opposition—if they make a request and urge upon them to give up hunger-strike.

Several members: On what assurance? What are you going to do?

The Hon'ble Khwaja Sir NAZIMUDDIN: I can tell the House that the Chief Minister has already sent a wire asking them to give up the strike. I also most earnestly advise them to give up the hunger-strike because it is fruitless. Let everybody in Bengal, people who have influence and position, let them appeal to the prisoners to give up the strike. And if there are genuine grievances the Legislature can take them up, and I have made my offer that under certain conditions we will place our views before this House and the Assembly, and shall discuss the question of repatriation round the table, as to why we sent these people there, when we can bring them back, but if we surrender just think of the consequence. Please do not think of the immediate but think of what is likely to happen. Why not accept the advice which I am giving, why not suggest the procedure that I am asking the House to consider, and I am certain that conditions in the province are not going to improve as long as we on the one hand condemn terrorism and at the same time applaud those who commit acts of terrorism. Government have every sympathy with these people and consistent with public safety are prepared to consider the question of their release.

A debate is going to take place in both Houses on the question of detenus. Our policy will be as I have already stated in the Assembly —and I want to state them again—that Government have decided to bring back to Bengal, as soon as arrangements can be made, people detained under Regulation III and the detenus who are at the present time outside Bengal. We are trying our level best in this direction and we can assure the Andaman prisoners that under certain conditions we are prepared to discuss the question of bringing them back. Sir, I, therefore, end with this appeal: do not place your Government in an embarrassing position: you have got a duty to perform and I think your duty is to see that these political prisoners, you will realise from the point of view of administration, Government have got to be humane as well as they have got to look to the administrative side. The dangers are there, and knowing that no Government can treat this matter lightly. I therefore hope the House will consider seriously——

Mr. PRESIDENT: Order, order. The motion has now been discussed for two hours and under Standing Order 64 the debate automatically terminates. So this debate is closed.

I would like to ascertain the views of the members whether they like to resume the general discussion of the budget. I like to remind the House about one point. On Monday we have got only two hours and I cannot extend the time because the other House sits at 4-45 p.m.

The Hon'ble Finance Minister will certainly take about 50 minutes as in this House there are no demands for grants, he would naturally like to meet the points that have been raised in debates in this House. The leaders of the parties will please tell me whether they would like to sit for an hour or so now or like to conclude, and I shall be guided by their views.

Khan Bahadur ATAUR RAHMAN: On a point of information, Sir. When the Assembly meets here we are to sit at the back and the seats allotted for Council members are very inconvenient. We want to sit on this side.

Another point is with regard to the seat of the Treasury Bench. Whatever they talk we do not hear. May we not suggest, Sir, that the Treasury Bench be shifted to its former place?

Mr. PRESIDENT: If the Khan Bahadur will kindly see me later about it, I will consult the Leader of the House.

Mr. KAMINI KUMAR DUTTA: The view of this side is that the budget discussion may not be taken up to-day.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, Kt., of Santosh: I do not think, Sir, at this late hour we should resume the discussion.

Mr. PRESIDENT: The House now stands adjourned till 2-15 on Monday, the 9th August, 1937.

Adjournment.

The House adjourned till 2-15 p.m. on Monday, the 9th August, 1937.

Members Present.

The following members were present at the meeting held on the 6th August, 1937:—

(*1*) Ahamed, Mr. Nur.
(*2*) Ahmad, Mr. Naziruddin.
(*3*) Ahmed, Mr. Mesbahuddin.
(*4*) Baksh, Mr. Kader.
(*5*) Banerjee, Rai Bahadur Keshab Chandra.
(*6*) Barua, Dr. Arabinda.
(*7*) Bose, Rai Bahadur Manmatha Nath.
(*8*) Chakraverti, Mr. Shrish Chandra.
(*9*) Chaudhury, Mr. Moazzemali.
(*10*) Chowdhury, Khan Sahib Abdul Hamid.
(*11*) Chowdhury, Mr. Khorshed Alam.
(*12*) Chowdhury, Mr. Rezzaqul Haider.
(*13*) Cohen, Mr. D. J.
(*14*) Das, Mr. Lalit Chandra.
(*15*) Datta, Mr. Bankim Chandra.
(*16*) Datta, Mr. Narendra Chandra.
(*17*) D'Rozario, Mrs. K.
(*18*) Dutta, Mr. Kamini Kumar.
(*19*) Ellahi, Mr. S. Fazal.
(*20*) Esmail, Khwaja Muhammad.
(*21*) Haider, Nawabzada Kamruddin.
(*22*) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(*23*) Hossain, Mr. Latafat.
(*24*) Hossain, Mr. Mohamed.
(*25*) Huq, Mr. Syed Muhammad Ghaziul.
(*26*) Ibrahim, Khan Bahadur Maulvi Mohammad.
(*27*) Kabir, Mr. Humayun.
(*28*) Karim, Khan Bahadur M. Abdul.
(*29*) Khan, Khan Bahadur Muhammed Asaf.
(*30*) Khan, Maulana Muhammad Akram.
(*31*) Laidlaw, Mr. W. B. G.
(*32*) Lamb, Mr. T.
(*33*) Maitra, Rai Bahadur Brojendra Mohan.

(*34*) McKerrow, Mr. J. A.

(*35*) Molla, Khan Sahib Subidali.

(*36*) Momin, Begum Hamida.

(*37*) Mookerjee, Mr. Naresh Nath.

(*38*) Mukherji, Rai Bahadur Satis Chandra.

(*39*) Nicholl, Mr. C. K.

(*40*) Ormond, Mr. E. C.

(*41*) Pal Choudhury, Mr. Ranajit.

(*42*) Poddar, Mr. H. P.

(*43*) Rahman, Khan Bahadur Ataur.

(*44*) Rahman, Mr. Mukhlesur.

(*45*) Rashid, Kazi Abdur.

(*46*) Ray, Mr. Nagendra Narayan.

(*47*) Ray Chowdhury, Maharaja Sir Manmatha Nath, KT., of Santosh.

(*48*) Roy Chowdhury, Mr. Krishna Chandra.

(*49*) Sanyal, Mr. Sachindra Narayan.

(*50*) Sarker, Mr. Indu Bhusan.

(*51*) Sen, Rai Sahib Jatindra Mohan.

(*52*) Shamsuzzoha, Khan Bahadur M.

(*53*) Singh Roy, Mr. Saileswar.

(*54*) Sinha, Rai Bahadur Surendra Narayan.

(*55*) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

(*56*) Wilmer, Mr. D. H.

Members Absent.

The following members were absent from the meeting held on the 6th August, 1937:—

(1) Chowdhury, Mr. Hamidul Huq.

(2) Chowdhury, Mr. Humayun Reza.

(3) Goswami, Mr. Kanai Lal.

(4) Jan, Khan Bahadur Shaikh Muhammad.

(5) Mookerji, Dr. Radha Kumud.

(6) Roy, Rai Bahadur Radhika Bhusan.

Ministers Present.

The following Hon'ble Ministers attended the meeting held on the 6th August, 1937:—

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A. (the Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Sir Bijoy Prasad Singh Roy, KT., M.L.A.

(5) The Hon'ble Nawab Khwaja Habibullah Bahadur of Dacca, M.L.A.

(6) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, M.L.A.

(7) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(8) The Hon'ble Mr. Prasanna Deb Raikat, M.L.A.

(9) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 9th August, 1937, at 2-15 p.m., being the fourth day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Present:

Mr. President (THE HON'BLE MR. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-one Members and eight Ministers were present.

Questions and Answers.

Mr. PRESIDENT: If there is a consensus of opinion of the House, I would postpone the Questions and Answers in order to have a little more time for general discussion on the budget.

(There was general assent.)

As the House has agreed, I postpone taking up Questions and Answers till the next day.

President's Ruling.

Mr. PRESIDENT: I have given careful consideration to the point raised by Dr. Radha Kumud Mookerji, Leader of the Opposition, whether a non-member can take upon himself the position of the Leader of the House. The right of Ministers to address the legislature of which they are not members, is not of course contested. The Ministers in some countries are not members of either House, yet they have the right to address it, while in several countries they have also the right to speak and participate in discussions in the House of which they are not members. The primary function of the Leader of the House is to represent Government and also to announce the programme and order of business, and specially of Government business of the House, from time to time, and generally to speak on behalf of the Government. Though the Ministers have a statutory right to attend and address the House, the House has no right to compel their attendance, but they are equally subject to the Standing Orders and authority of the House with its members. It is not inconceivable that in future both the Houses may be sitting simultaneously and it is natural that the Chief Minister and his colleagues will have ordinarily to attend the Lower House of which they happen to be members. So I rule that the Leader of the House must be a member of the Council.

General Discussion on the Budget.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, for the purpose of refreshing the memory of the members of Council, particularly of the Finance Minister, I may say that the principle of taxation as adopted in this province is unsound, on the ground that the ability of the taxpayer is not taken into consideration. I cite the case of Land Revenue in regard to which the revenue of Rs. 3·5 crores mostly come from the pockets of the poor working and cultivating classes. The second item, namely, Excise, yields a revenue of Rs. 130 lakhs which comes from the agricultural classes. The proceeds from the sale of judicial stamps come out of the poorer classes. So more than 50 per cent. of our revenues is drawn from the poorer classes who are not able to bear the brunt of it. So I ventured to suggest the imposition of death duties, but many of my friends objected to it. But I think that is a duty which will be the least objectionable of all.

Sir, I now come to my special subject, namely, Labour. I am simply surprised that a paltry sum of Rs. 18,000 has been provided for re-organisation of the Labour Department to deal with something like 750,000 industrial workers. In jute industry alone over 300,000 workmen are employed in 92 mills with nearly 60,000 looms. They receive roughly Rs. 6 crores in wages annually and the value of jute fabrics manufactured in Bengal is about Rs. 23 crores. In this connection I may mention that strikes have been a common feature of the jute industry in this province. In 1929 something like 250,000 men struck work, and there was no question of political exploitation in those days and the loss amounted to about Rs. 26 lakhs in wages. Nothing was done by the Labour Department in this respect and the Labour Commissioner continued functioning. The last strike which was the most memorable strike, rendering something like 219,000 men idle, and causing a loss of wages amounting to Rs. 30 lakhs. But what has been done? We hear all sort of things will happen with the appointment of Labour Officers for investigation of labour dispute on an expenditure of Rs. 18,000. To say the least of it, it is surprising that a paltry sum of Rs. 18,000 for six months has been budgeted, we want an enquiry into the question of wages. In the time of a strike the employers say that they pay well, i.e., living wages to their employees, who send large remittances to their homes out of their wages. Unless we institute an enquiry into the cost of living, how can we ascertain what is the cost of living and whether a living wage was paid. Therefore, I suggest to the Hon'ble Minister for Labour that he must bear in mind that in order to lay the foundation of labour welfare work he must institute a regular enquiry into the cost of living, the prices of necessaries of life and the general standard of living and all the rest of it. Bombay has a budget of something like

1½ lakhs of rupees and against that we have a provision of Rs. 18,000 only. I would therefore request the Hon'ble Minister in charge of Labour in consultation with the Hon'ble Finance Minister to increase his budget grant by another sum of Rs. 18,000 for special work in connection with cost of living enquiry. Unless we have an enquiry into the cost of living, we cannot have an official statement of facts and figures relating to the standard and cost of living, etc. Apart from political causes of the last jute mill strikes which are well known, bribery and corruption as well as inadequate wages are contributory causes of that. The appointment of Labour officers will probably help, but the mere appointment of Labour officers is not enough. The cost of living of jute mill hands must be enquired into and rates of wages have to be based accordingly. We have another factor, namely, indebtedness among the jute workers. Well, the average annual earning of a jute worker is Rs. 200. Out of that figure, according to official investigation, something like 25 per cent. of the wages is the figure of the debt including interest at more than 50 per cent. per annum. Therefore, I think some enquiry should be made into the case of indebtedness and some relief found for them. With these observations, I conclude my remarks that the Minister for Labour in consultation with the Finance Minister should try his utmost to increase the provision of Rs. 18,000 by another sum of Rs. 18,000, which must be specially earmarked for enquiry into cost of living.

Dr. RADHA KUMUD MOOKERJI: Sir, it is not possible for me to do justice to a subject like the Budget within the time-limit which you have been pleased to impose upon us. At the outset I should like to assure the Council, specially the Finance Minister, that by my remarks I do not like to be understood that I am offering opposition for its own sake. I quite recognise that the duty of the Opposition is to offer not destructive opposition but constructive criticisms. The first point that I should like to impress upon this House is that a Budget cannot be judged except by the policy, or the system or the principles to which it gives expression. I am afraid, Sir, that the Budget that has been presented for the first time by an Indian Minister of Finance is in my opinion a child of the old system, a product of the old order, which, I am sorry to say, in Bengal has not yet yielded its place to the new. It is a result of the old system, and of what I may call "irresponsible Government," that is to say, a Government that is not fully responsible or responsive to public opinion and also to the needs of the people. Sir, I have gone carefully into the many details of appropriations with which I have not so much quarrel because I have more quarrel with the policy underlying the budget. No doubt, the Finance Minister had been able to anticipate my objections as he said that he had not much time to evolve schemes for a new order of things.

Sir, there is some justification for his explanation. But at the same time I cannot forget, Sir, that some of the bigger provinces of India are still racking their brains all these months in order to produce truly national budgets. I had hoped, Sir, that the Hon'ble the Finance Minister of a progressive province like Bengal might have taken a little more time and might easily have waited for the data of the new budgets that are in the making in the six majority Congress Provinces. What I find now in the Budget is that it practically maintains the existing state of things; the Budget, broadly speaking, appropriates moneys for meeting only the establishment charges and serving only the interests of Law and Order. Sir, I am reminded of the dictum of John Steuart Mill that the State must exist not merely for the ends of Order but also for the ends of Progress, and I do not find much scope for what may be called Progress in a modern State.

Sir, my second point is, that although it is apparently a prosperity Budget, from my own study of the financial situation of the province I am afraid that it would be misleading to hold that ours is really a prosperity budget. The "prosperity" that is referred to is merely a superficial phenomenon. We should all remember that there is a dismal background of dire adversity behind this so-called prosperity budget. Members of this Council perhaps do not know that to-day the province of Bengal figures as the poorest province in India. Bengal is practically pauperised, and if there is any sign of prosperity for which no doubt the Finance Minister is entitled to congratulate himself, I wish him all this congratulation. But still he must also feel, if he has a correct view of her real financial condition, that Bengal is to-day very much poorer than she should be. Bengal is the richest province of India with a gross revenue at an estimated figure of Rs. 38 crores. But on account of the ruthless reductions by the Centre, Bengal has been told off with a residual revenue of only about 12 crores. Now mind you, Sir, that this sum of Rs. 12 crores is made over to Bengal for the purpose of feeding and fostering 48 millions of her people. Let me put before the Council the picture of Bombay. Bombay is credited with superior financial statemanship and as a result of that statesmanship Bombay has been able to secure a residual revenue of Rs. 15 crores for the purposes of feeding and fostering a population of only 19 millions, as against Bengal's 48.

Now I wish to ask everyone of us here, what should be the residual revenue of Bengal on the basis of the Bombay standard? It is a question of arithmetic and I for myself will not allow any other logic to interfere with the vital interests of this province. At least Bengal can claim on the basis of the Bombay standard a residual revenue of Rs. 30 crores, if 19 millions can have the benefit of Rs. 15 crores in one part of India. My standpoint is this: that the principle of federal finance has been misapplied all through and that there is really no

scientific federal finance involved in this matter. Bengal has been the victim of the much maligned Meston Settlement followed by the manipulations of an unscientific federal finance. Perhaps I shall be told by Government that this subject is closed as it has been finally disposed of on the report of an eminent expert brought out from England by the Government of India, Sir Otto Niemeyer. My reply is that although Government may say that we are up against a settled fact in this matter, I would still ask them to fight for the vital concerns of Bengal as otherwise the future of our province is blighted. There can be no settled fact in politics, and we should not take this fundamental injustice to Bengal as a settled fact. Bengal must go on agitating and carry on a whirlwind campaign against the present allotment of revenue and ask that on the standard of Bombay, Bengal should be immediately paid her due shares of *per capita* revenue.

Besides, Federation has seized just those sources of revenue in Bengal, those resources of revenue which are most fertile, leaving to the province those other sources which are incapable of expansion, inelastic, and rigid, like Land Revenue and Excise. You know that the excise revenue in one sense from the Finance Minister's point of view is one of the weakest points in Bengal's financial resources. I am proud to say that from the moral point of view it is one of the most glorious features of her national life.

I must take advantage of this occasion in paying a compliment to the fine appreciation that has been recorded by the Finance Secretary Mr. Gladding in his red book where he has stated that Bengal has a very small excise revenue—a little more than a crore of rupees—whereas in provinces like Madras or Bombay excise revenue alone yields more than Rs. 5 crores. If Bengal in this matter had been like all other provinces, she should have collected Rs. 5 crores extra out of its excise revenue.

A member: The excise revenue is small because of illicit distillation.

Dr. RADHA KUMUD MOOKERJI: I do not think Government is at all inefficient in this matter and I do not like to associate myself with that remark. I was referring to the beautiful compliment paid by Mr. Gladding to the ingrained moral habits of the people of Bengal which are responsible for this small amount of excise revenue.

As you know Mahatma Gandhi and the Congress leaders are straining every nerve to have Prohibition enforced in other provinces. We can say to them: "Sirs, look here, we have already got Prohibition in Bengal in advance!"

My point is that federation has not merely done an injustice to Bengal's dues of revenue. It has siezed just those sources which are elastic and which are capable of expansion. That has been the result

of this ill-planned federal finance so far as Bengal is concerned. Tak the figures: if you look to the last 12 years you will find that for mor than 7 years there were deficit budgets and deficit budgets led to re trenchment and retrenchment had its own disastrous effects upon th progress of the province because it was not possible to take in hand an progressive proposal againt these deficits. The result has been thi Bengal could spend only one-fifth of what Bombay was spending——

The Hon'ble Mr. NALINI RANJAN SARKER: That is what we want you to realise.

Dr. RADHA KUMUD MOOKERJI: That is why I say you must place the Budget in a proper setting. What are you going to do with that inaction of yours against this dire and dismal background? All of us want, irrespective of party considerations, to get for Bengal what is her due. We are spending less than half of what Bombay is spending for Medical and Public Health, and no wonder Bengal is suffering from malaria and other diseases. We are spending one-sixth of what Bombay has been spending on Public Works. Bengal has been spending half of what Madras was spending on these items all these years. There is only one bright spot in the picture! With regard to Law and Order, Bengal has been leading throughout and although her revenue is Rs. 11 crores she has been spending as much as Madras on Law and Order and Bengal can still find Rs. 50 lakhs to keep about 2,000 youths in detention.

Taking the expenditure on the transferred services together, that is to say, on the so-called nation-building departments, Bengal, with more than double the population of Bombay, can spend Rs. 3,53 lakhs, whereas Bombay can spend Rs. 1 crore more on the transferred departments every year and do you understand what the cumulative effect of this extra grant on the nation building departments for more than a decade would have on the progress of the Bombay Presidency? The rate of progress in Bengal of the nation-building departments is lamentably small in comparison with other provinces. The percentage of increase of expenditure on these departments between the years 1928-29 and 1929-30 was only 21 for Bengal for Education as against 82 in Madras and 47 in the United Provinces (and I am most anxious that we Bengalees must not merely content ourselves with the statical needs of the province but we must think of the dynamical needs, the requirements of development) and 78 in the Punjab. Similarly under medical relief and public health the percentage of increase is 24 as against 98 for the Punjab, 67 for the United Provinces and 115 for Madras.

But the tale of her woes is not complete. As regards revenue from income tax receipts, Bengal pays to the Centre as much as 36 per cent. of the total income from this tax. No doubt it will be said, as it has

always been said, in reply that much of this income is derived from customs duty on account of the business that passes through the port of Calcutta to the inland provinces. Even assuming that, it cannot be denied, the share of income-tax receipts for Bengal must be very great as compared with the other provinces. In fact the tax represents practically the whole of Bengal's benefits derived from provincial industries. It is time that Bengal should at once claim a commission of experts to find out what part of the total income tax receipts is really earned by the children of Bengal within her borders, so that the income tax receipts may be more fairly distributed as between the Centre and Bengal. We must put in our claim for an expert commission to go into this subject most thoroughly so that we may get back our income tax receipts lost to the Centre and other provinces. In this connection we should not allow the federal authority to assume that the corporation tax must of necessity and necessarily be federalised. Bengal must fight for this source of revenue because it is one of the strongest points of her economic life. Bengal has a good record of progress to show in regard to corporations and growth of joint stock enterprise. We must cite precedents and parallels to fight for this point. I trust our Finance Minister who has been so successful in organizing such a big company——

Mr. PRESIDENT: Your time is up.

Dr. RADHA KUMUD MOOKERJI: I thought you would give me 15 minutes. I have only got 10 minutes.

Mr. PRESIDENT: The rule must be observed in every case. The Leader of the Opposition may have two more minutes.

Dr. RADHA KUMUD MOOKERJI: I have much to say. Fortunately I have prepared a fuller statement which may be taken as my official statement, and I am here only to explain and give some comments in this connection.

My next point is that the real condition of Bengal is to be found in her Agriculture which is her most important national industry. There also, as I have said, one finds a lamentable decline all through; 45 per cent. of cultivable area has gone out of cultivation in most of the districts of West Bengal. The whole subject of agriculture must be thoroughly considered and overhauled.

As regards the budget I had many suggestion to make but as my time is up I will not refer to them.

I will conclude by referring to one point and perhaps the Finance Minister will help the House by so arranging his account that it can show at a glance the percentage of revenue that still remains reserved here under the Government of India Act so that the field of ministerial responsibility may be properly assessed in terms of rupees. We want to know the amount of revenue to be operated upon by the Ministers within the field of their responsibility because we are at a loss to ascertain under what items the charges on account of the reserved field of administration are lurking. We have no knowledge of them so that it would be much better if the Finance Minister can show us very clearly what exactly the field of ministerial responsibility and freedom means in terms of revenue.

I am sorry I have not been able to do justice to the vastness of the subject and I hope that the statement which I have prepared will be taken as my official speech.

The Hon'ble Mr. NALINI RANJAN SARKER: I have not been able to follow the previous speaker when he says he will lay a statement on the table.

Mr. PRESIDENT: No written statement can be accepted by the House.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, Kt., of Santosh: Sir, in offering my comments on the Budget I do not intend to disturb the static calm of the Hon'ble Finance Minister either by praise or abuse. In the fighting speech which he made by way of reply to the criticisms which were levelled against his Budget in the Assembly, he urged his hearers to believe that he is stoical enough not to be affected by praise or abuse. I shall therefore proceed in a business-like way to draw his attention to certain features of his Budget which has disappointed me. I shall not take up the time of the House by enumerating the good points of his Budget; more so, when I have no chance of giving him pleasure so long as his impenetrable crust of callousness remains impervious.

Sir, the Finance Minister has rightly claimed his Budget to be a surplus Budget. It, therefore, pains me to find that the Finance Minister by pursuing the beaten track has failed to provide solid and stable foundations for such works as are calculated to increase the potentiality of Government to make Bengal a greater Bengal through the beneficent activities of its nation-building departments. I ask him in all seriousness if he has been able to touch even the fringe of the problems, the right solution of which will lead to the introduction of modern scientific methods of agriculture, effect utilisation of raw products for manufacture, create organisations of home industries,

encourage diversity of production and better marketing for agricultural products to improve the economic outlook of the country and to remove the menace of unemployment. I dare say he realises that the foundational solution of unemployment must be productive works and that there must be up-to-date and well-equipped State organisations with requisite funds to initiate, guide, aid and augment enterprises to effect the economic development on a scale commensurate with the magnitude of the present depression. Has he made any provision for such State organisations in Bengal? I dare say that the Finance Minister knows that a few years back the Government of India in a circular letter to the local Governments insisted upon industrialisation. It was then proposed to make provisions for helping technical institutions, to advance industrial loans to enable young men with necessary training to set up more industries and to restrict as far as possible, employment under Government to inhabitants of the Province. The years that have gone by since then have added to the size and complexity of the problem which is now more acute than ever, and I ask the Finance Minister to tell me what extraordinary provision he has made to meet this extraordinary situation.

Then again, in connection with the same circular letter of the Government of India, it was then proposed to establish agricultural colonies of educated young men and to advance loans to them to set up agricultural farms. From the Blue Books we learn that in Bengal only 67 per cent. of the total cultivable area is actually under cultivation. If the whole available area be brought into use and up-to-date means and scientific methods are adopted to augment productions, it may go to double the means of subsistence for the maintenance of the present population of Bengal and also provide materials for industrial improvements on an extensive scale. Agriculture is undoubtedly a productive employment. I dare say that the Finance Minister and his colleagues have no sympathy with that school of thought in Bengal who characterise agriculture as a harbour of illiteracy, low efficiency and low-living and that they do realise that in dealing with the questions of economic productivity in Bengal we must attach the greatest possible importance to agricultural developments. I dare say the Finance Minister fully realises the necessity of encouraging our educated young men of all classes to take to agriculture as a profession, as more than three-fourths of the entire population of this country depend on land for the means of subsistence. May I know what provision he has made in his Budget to establish agricultural colonies of the right type and to make those colonies sufficiently attractive for our unemployed young men? I dare say he will agree with me that if efforts in this direction are to attain success and if Government intend to seriously ask the unemployed educated young men to pioneer agriculture in unexplored regions, Government shall have to make those

undeveloped rural areas sufficiently inviting with all possible amenities pulsing with human interest. Has the Finance Minister provided for any such step? May I know what provisions has he made in his Budget for providing foundations for a modest but attractive housing scheme drawn up on scientific lines with due regard for hygienic and sanitary considerations to make our rural areas healthy and habitable? Can the Finance Minister, and for that matter the Council of Ministers, deny that it is their primary duty to tackle the poverty problem of the country in all seriousness and to make the people happy and prosperous? If I am not mistaken, excepting modern Russia, all civilised States have accepted legalised poverty as a necessary evil. Can they afford to forget that the poverty of the people is the greatest enemy of the State and society and when poverty is effectually wiped out regard for law and constitutionalism invariably reach the level which is conducive to ordered progress? May I know what provisions the Finance Minister has made to give the detenus and political prisoners who may be released to make a fresh honourable start in life and to bring back those who may not be released to their home province? Then again, does not modern conception of State activity demand the formation of a commission of enquiry to ascertain how far the proposals which were made at the time of the circular letter of the Government of India to local Governments to which I have already referred, have been given effect to in Bengal, what other measures of lasting value have been taken since then to tackle the poverty problem and what fresh statutory actions are necessary to cope with the evil as it is to-day? Will the Finance Minister provide money for such a Commission? Will he provide money for the creation of a department or bureau for unemployment and for making statistics not only all-comprehensive but also so scientifically tabulated as to fall in line with the general current of economic events.

Then again, what about more playing fields, gymnasiums, open air swimming baths to improve the physical constitution of the youths of the land and to help them to adopt the world-standard in the development of recreative and physical training? The vigour and buoyancy of youth are our priceless national treasures and I want to be informed whether the Finance Minister will provide sufficient money under this head to make our women folks healthy and strong and to build up Bengal's man-power?

I ask in all seriousness when money is going to be made available with a view to evolve a complete system of physical education and athletic training in this country. Such a machinery is long overdue and Government must realise that it will be criminal to postpone its creation to Greek Calends. May I also ask, when other Governments in all parts of the civilised world are busy in framing five-year or

ten-year nutrition plans what are our planners doing? Have they even a clear idea of what they want to achieve in this direction?

Sir, I shall with your permission touch only one other aspect of the Budget. The Budget foreshadows further tinkering with the land laws of the Province! I must characterise that as the blackest spot of his Budget inasmuch as any attempt towards extinguishment or modification of contractual rights in land is bound to lead internal dissensions at a time when our honest endeavour should be to achieve unity in diversity and grow together into a nation in the real sense of the word. I want the present Ministry to realise that the expropriation of the landholders constitutes the main plank of the platform of the communists and their activity in this direction should be treated by Government as a permanent subversive movement. It will be nothing short of self-deception if the present Ministry in Bengal think that they will be able to capture the imagination of the tenants and cultivators of the Province either by total abolition or reduction of landlords' fees. They will merely be playing into the hands of the communists. It will hardly give any relief to the poor sellers and will only enable the rich purchasers to buy up lands from the real cultivators with greater ease. In reality it is the buyer who pays the landlords' fees. Similarly, the abolition of the right of pre-emption will only lower the value of agricultural land and prove to be a veritable death-trap to the poor cultivators, as they will be coerced either by poverty or powerful non-cultivators to part with their lands for a ridiculously low price. Why not instead reorganise by effective and thoughtful legislation the land system on a co-operative basis within the scope of the irrevocable permanent settlement for the benefit of Government, landholders and tenants and for that matter of all who live within the various estates that will come under the operation of such a change with the object of inaugurating a common agricultural and industrial policy on modern and scientific lines to be pursued by the federal estates so that concerted actions by them may be possible for comprehensive agricultural and industrial improvement to the lasting benefit of Bengal, so that through proportional mechanisation of labour, new avenues of employment may be thrown open to the educated youths of the middle class? Government will be able to levy reasonable taxes on improvements and new incomes. Why not provide it with its own agricultural and land mortgage banks, as financing institutions for industrial, agricultural and commercial concerns and as agencies for the supply of long term credit to facilitate the redemption or conciliation of debts? Why not make re-distribution of lands among tenants possible by legislation under certain reasonable terms so that none of them may remain too poor to pay for various developments to reap the advantages which will accrue from them? Why the Finance Minister should not be able to provide the

capital expenditure required for such a consummation by raising loans guaranteed by Government? Why directly or indirectly the present Ministry in Bengal should encourage the communists to attack contractual rights and vested interests? He should be able to persuade Government to believe that under the present circumstances imposition of fresh taxes on land is a sheer impossibility, and that it is useless to strive to solve problem connected with imposition of taxes and collection of revenue without making liberal provisions for such all-round improvements by way of productive works as may enable the people to pay them. The imposition of cesses affect both tenants and landlords—the fluctuation in revenue will also mean fluctuation of rent. It is a matter of common knowledge that the real interests of tenants and landlords are interwoven and inseparable. Any way, it is a hopeless task to draw blood out of stones or flog a dead horse to move between the shafts. Let Government quicken their imagination to do something new of permanent value recognising the inter-dependence of the country's prosperity on the prosperity of all classes and communities that live in it.

Mrs. K. D'ROZARIO: Sir, it gives me great pleasure to congratulate the Hon'ble Minister for Finance on his well-considered and cautious budget, as also on his nicely-framed and informative speech which has helped many of us uninitiated legislators to follow the complexities of the voluminous estimates that we are expected to read and discuss. The budget has met both with much appreciation and considerable adverse criticism in this House, as also in another place. I feel that some of the adverse criticisms are quite undeserved. We have much cause to be thankful that after making appreciable provision within the scope of available funds by increased grants for beneficent purposes like Agriculture, Education, Public Health, Road Development and Debt Conciliation Boards, the Hon'ble Minister has assured us in unmistakable terms, more than once, that even though the task of lifting the masses of Bengal from the depths of ignorance, misery and poverty is stupendous and cannot be contemplated with composure, Government is determined, in spite of its limited available resources, to tackle all problems—if not in a heap and not unwisely with over much zeal or diffidence for any single need—at least consecutively and according to the urgency of each. Thus if relief of the appalling condition of the agriculturists looms large as a persistent first demand in this year's budget, let us hope that free and compulsory primary education, which is being pressed for forcefully by so many protagonists in both legislatures, will be implemented as soon as we are agreed that the country is prepared to face the additional taxation that is necessary for its introduction. Whilst much has been said about unemployment, I am not satisfied that the Hon'ble Minister has afforded us anything of a promise of relief to the thousands of middle

class well educated young men who are looking out with forlorn hopes for a means of existence. I refer especially to this pathetic situation because, if, as is suggested by some, more money for nation-building activities and agricultural uplift can only be found by rigid economy and reduction of establishments in existing public services.

The Hon'ble Minister for Finance, who is familiar with the hardships of the youth of this province, has told us that supervisory and clerical employment being non-productive is contingent only on commercial, agricultural and industrial developments and activities. In the absence of such developments and activities the prosecution of higher education will be a mere intellectual luxury—not a means to a living—and the hope of employment in the early future will be frustrated and lead to despair. If, as the Hon'ble Minister has informed us, there is the background of the nation behind the nation's problems, I would remind him that there is also the huge background of subordinate personnel behind the front ranks of the public services—the humble mass of silent toilers whose existence is lost sight of until by a crisis of some urgency manifesting itself their importance is revealed—I would appeal to the Government on behalf of these workers that no scheme of economy will be sanctioned, which involves the wholesale retrenchment of subordinate personnel of the public services unless immediate provision could be made for their absorption into newly-formed departments.

Maulana MUHAMMAD AKRAM KHAN addressed the House in Bengali. The following is the English translation of his speech:—

I read while a child in the works of Dinabandhu Mitter of finishing the whole of the *Ramayana* in one breath. Being compelled by the Hon'ble the President to give a test of that in my old age, I am indeed feeling very much embarrassed. One fails to see how one can review in 10 minutes the Hon'ble Finance Minister's address covering some 35 pages and the figures given by him running up to another 500 pages. Let me, however, speak a word or two about the principles.

I have long noticed that the budgets in our country lack what you would call in English a sense of proportion. The kinds of work for which sums have been budgeted are almost all of them necessary and useful. But considering the financial condition of the country, we should classify them according to the degree of their usefulness and importance. Let me give an illustration. Suppose I am a day labourer and have earned 10 annas as my day's wages. If, instead of purchasing the daily necessaries of life for the members of my family, I buy with it some sweetmeat from Bhim Nag's shop because it is more nutritious and more palatable, it might show my knowledge of philosophy, but would not certainly appease the fire of hunger of the members of the family. I see that a sum of some Rs. 30 lakhs has been budgeted for Road, Building, and Communication. Pucca asphalted streets and palatial mansions are no doubt useful but far

more useful than they are the provisions for the health and education of the illiterate and the dying Bengalee race. Our race up to the fourteenth remove waded through water and mud during the rainy season, and this muddy water produces golden harvests in Bengal. If we walk another 10 or 12 years through water and mud, we shall not die. But unless suitable steps are taken, the Bengalee race will be extinct through diseases; and their souls accursed through illiteracy. I would most respectfully draw the attention of the Hon'ble Finance Minister to this matter.

My next submission is about the income from excise. We see in the Budget that the Bengal Government have had an addition to their income by Rs. 45 lakhs owing to her share of jute tax having been increased and another Rs. 23 lakhs on account of the remission of interest by the Government of India. But I am sorry that the increase of the income from excise by another Rs. 3 lakhs has been anticipated owing to the improvement in the material condition of the people. I strongly protest against Government's excise policy. The propriety or otherwise of a business must not be judged by the amount of income it yields, but by how far it contributes to the physical, moral and spiritual well-being of the people. There are many more lucrative businesses which may be mentioned, but I am afraid if I try to name them the Hon'ble the President would force me to take my seat.

The Hon'ble Finance Minister, while dealing with the irrigation problems, referred to the pitiable condition of the people of West Bengal and said that the fertility of the land of that part of the country had considerably declined. I would like to tell him that the productivity not only of land but of men also is gradually going down.

May I refer to *bund* in Bilballi *khas mahal* within Swarupnagar thana of the Basirhat subdivision. It may be found on enquiry that the population in that area has been dwindling by 7 or 8 in a hundred in every census. Health, trade and agriculture of some 20 or 25 villages there have been ruined. It is, however, fortunate that the zamindar of that place and the Minister in charge of Irrigation are one and the same person, who, we hope, will look to these matters.

Mr. HUMAYUN KABIR: Mr. President, Sir, I agree wholeheartedly with the remarks of my friend who has just sat down that it is futile to attempt to discuss general principles as well as particular demands for grants of a budget presented so ably by the Hon'ble Finance Minister within the space of 10 or 12 minutes. However, I shall try to do the best that I can, jotting down only points, and I shall therefore spare any compliments to the Hon'ble Finance Minister on whom has fallen the distinction of being the first Indian to present the budget of autonomous Bengal.

Sir, I find some amount of divergence between the excellent statement of programme on principles expressed by the Hon'ble Finance Minister in his speech and the actual practice which he has exhibited in the provisions of this budget. I shall content myself with drawing his attention to only some of its features as the time at my disposal is ridiculously short. First of all, I propose to take up the general question of administrative expenses. A good deal of criticism has been made with regard to that: I may say that I agree with the Hon'ble Finance Minister that very great economies in this department are not possible, because even if we do cut down the rate of payment in the higher grades of services, the necessary compensation which must be paid to the lower grades in order to give them living wages would involve no less charges upon the financial resources of the province. But I would submit to the Hon'ble Finance Minister that the conclusion which he has drawn from this state of affairs is not correct, because even though the actual sum may be the same, still a better distribution of the social wealth among a large section of people will result in increase of wealth in many ways. There will be the sale of a large amount of commodities and in many ways, perhaps through income-tax, perhaps through customs and in other ways there will be a good deal of revenue accruing to the Government, but quite apart from that, I would submit, that even if there is no net financial gain to the State, still the very fact that a better standard of life is being enjoyed by a very large section of the community, is in itself a gain which the Hon'ble Finance Minister ought to take note of. I would therefore submit that in framing the budget, this aspect of the question of reduction in the cost of expenditure must be taken into consideration and drastic economies should be made in all the higher scales of pay. I certainly admit the value of this economy, not only for the actual saving in the expenditure, but also as a gesture. I would therefore submit to the Hon'ble Finance Minister that if the Ministry could declare that they were prepared to accept a lower scale of salary than has been provided in the official Bill, they would be setting an example which is bound to evoke an adequate and equitable response from other members of the community.

That is only one point. Then I would call attention of the Hon'ble Finance Minister to the Budget, which he has called a surplus budget. There is unfortunately very little improvement as regards provision in respect of nation-building departments. I refer to the Education Budget, for example. During the days of depression a 10 per cent. cut was made in the amount of grant to non-Government colleges. Since 1934, most of these cuts have been restored to the services and in other departments, but with regard to the question of grant to non-Government colleges, the Hon'ble Finance Minister has not seen his way to restore this cut. I think that in view of the fairly handsome surplus, this should not be the case. I do not think that the starvation of private educational institutions will conduce to the good

Government of the country. Then there is the question of a Library and Laboratory grant which the Government used to make to non-Government colleges. Formerly, it was about a lakh and twenty-nine thousand a year, but now it has been reduced to Rs. 45,000 only. One can easily imagine the effect upon the libraries and equipment of private institutions which cater to the needs of so many of our students. Mufassal colleges have been hit particularly hard, and on the whole, they cater to the needs of the poorer sections of the student community. I would submit that in view of the surplus budget, it is the duty of the Hon'ble Finance Minister to restore the cut to enable the private institutions to cater to our educational needs and to run the institutions in a better manner. I do not want to enter here into the wider question of the deprovincialisation of education. That may result in still greater economy and perhaps greater efficiency, but I will not touch on that point and I must deny myself the pleasure of any further exposition.

Then there is another feature of the Budget to which I should like to draw attention. There is a *lacuna* regarding the question of flood relief. Formerly, floods were regarded as an occasional visitation against which we could not guard, but now they have become a chronic feature of our economic life. The effect on the agriculturist is easy to imagine and I would suggest that on the lines of the Famine Relief Fund, provision should be made for flood relief as well. There is no flood relief insurance in Bengal and this cannot be withheld any longer. The Hon'ble Finance Minister, in his excellent statement said a great deal about the agriculturist, but forgot to make any provision for this crying evil.

Next I come to the question of jute. With regard to jute, I do not find any provision for remedial measures for the agriculturists. Minimum price of the commodity should be fixed. I know objections will be raised against it, but I submit that even within the present economic structure of our society, it is possible to introduce measures which will give a good deal of relief to the agriculturists. We all know that jute is a monopoly, and in spite of attempts by many countries over a long period of time, no substitute has yet been found. On the other hand, there has not been sufficient research in the different possible uses of jute. Why then can we not command a fair price for a commodity which is our monopoly? I would suggest that Government take up the three following problems:—

(*a*) elimination of the *dadan* system through provision of better credit facilities to jute cultivators;

(*b*) elimination of the long chain of middlemen through co-operative sale societies and land-mortgage banks; and

(*c*) the reform of jute futures market by the exclusion of all but legitimate dealers in jute.

To improve the position of the cultivators, land-mortgage banks should be established and it seems to me that to a very large extent the defects of the *dadan* system, whereby the agriculturists' crops are sold at a rate fixed by the profiteers, would be thus obviated. I am not sure whether the presence of the co-operative purchase system and the land mortgage bank would fully meet the problem presented by the jute futures market. It is a very difficult problem, but nevertheless if steps are taken by Government to set up a machinery which will control the exploitation of the people and stop the incursion of outsiders, a great deal will be done to help the agriculturists.

Connected with this is the question of increasing the revenues, to which the Hon'ble Finance Minister has very aptly drawn our attention. Without more resources, we cannot get on properly as we agree with him that our resources must be augmented. It has been pointed out that Bombay has a Budget of Rs. 15 or 16 crores and it is up to the Hon'ble Finance Minister to make better provision for increasing the revenues of this province. I have to submit that the suggestions in this respect thrown out in the Budget are most disappointing. The Hon'ble Finance Minister has suggested the re-imposition of those five taxes which were imposed as an emergency measure in 1935, but he has not cast his eyes on a profitable source of revenue which remains untouched even to-day. I refer to a processing duty upon the production of jute, particularly in jute mills; the jute mills here get their raw products at a very economic price compared to other parts of the world, because they do not have to pay here any sort of tax on the manufacture of jute, and are also saved from the charges of transport of raw materials from one country to another. I would refer to the processing tax which is levied in America, and would suggest to the Government that they seriously consider the levy of a jute production tax on similar lines. I am sure the Hon'ble Finance Minister is perfectly aware that if some such tax is levied on jute production, there would be a large increase of revenue which would enable us to undertake the type of work on national reconstruction which is essential for the improvement of the condition of the *raiyat* of the country.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I rise to offer my compliment to the Hon'ble Finance Minister for presenting a surplus Budget. Bengal for years had not the fortune of receiving a surplus Budget and the present Finance Minister has done so for which he must be congratulated. But if you go deeper into the question you will find that the reason is obvious. As we had been able to secure a larger slice out of the export duty on jute and had been the recipients of charity from the Central Government in the shape of wiping out our loans amounting to Rs. 8 crores and 41 lakhs, there has been a surplus budget. But unfortunately for us our woes continue unabated and in spite of the windfalls referred to, it

adumbrates no remarkable scheme of social service and the nation-building departments remain starved as before. I hope our Finance Minister will set about organising our resources—slender as they are —so as to ameliorate the condition of our Province now groaning under a load of misery and crying aloud for improvements in the departments of Education, Sanitation, Agriculture including Irrigation and Industries.

I need hardly remind the House of the words His Excellency the Governor uttered three years back, "We are convinced of the necessity of making a sustained effort to solve the problem of the reorganization of the rural economy of the Province: we are convinced that such an effort must be made and we are determined that it shall be made. We are satisfied that in that direction only, does salvation lie." These words, uttered by the head of the administration, had raised high hopes in the minds of the people and we, who come from the *mufassal*, had entertained the fond hope that the first Budget of the autonomous Province would at least show that the future would be flashed with the radiance of a beautiful dawn beckoning us into a great light. It is here that we have been sadly disappointed.

The Hon'ble the Finance Minister has provided us with a list showing the increase in grants for education and other purposes for which I thank the Hon'ble Finance Minister. The additions are meagre and are not likely to produce any impression on the deplorable condition prevailing everywhere. I am sure, under His Excellency's guidance and the example set by him in the Budget for the first six months under the new constitution, the Hon'ble Finance Minister has striven hard to do justice to the Province. But the result has not been such as to infuse new hope in the minds of the people. The Province is just emerging from the devastating effects of widespread scarcity and the people could naturally claim that any surplus that may be arrived at should have gone to alleviate their suffering and preclude the possibility of a recurrence of the scarcities. As two successive Retrenchment Committees have pointed out, there is scope—if not ample—for retrenchment in the departments so long known as Reserved, I wish advantage had been taken of the carefully considered reports of these two Committees, the first of which had the advantage of the sage advice of the late Sir Rajendra Nath Mukerjee.

The problem of unemployment should have received more attention, specially as it is now acknowledged that it is responsible not only for a vast amount of suffering among the educated and the masses but also for a vaster amount of expenditure to keep down the terrorist movement. His Excellency the Governor with that shrewd statesmanship which has been sharpened by experience, said—as far back as 1932 —that "Unemployment provides one of the fields of recruitment of terrorists and the dread of unemployment predisposes the minds of our

young men to the morbid and fanatical outlook which the leaders of this (terrorist) movement seek to induce." The sterile expenditure incurred in combating various subversive movements has been enormous, as much as Rs. 112½ lakhs in three years. The Hon'ble Finance Minister has been constrained to admit that more than half a crore of rupees would be required for measures taken both as a cure and as a preventive for subversive movements. Could not this amount be reduced when it has been admitted that the movement has died out and the Government pay more attention to the solving of the problem of unemployment?

I hope to be pardoned, Sir, if with my none too short experience in public life, I say that impatient idealism has no place in practical politics. But I cannot gainsay that hope deferred makes the heart sick. The high hopes raised in the minds of those who have no party bias, by the introduction of provincial autonomy—however imperfect—that under the new conditions there will be retrenchment and more money made available for nation-building work, have been dashed to pieces. I am fully alive of the fact that the Hon'ble Finance Minister is new to the task and can but grope his way forward.

But, what I regret most is the petulant impatience of criticism that he has betrayed and I hope, time and a realisation of the reality of things will have a sobering influence on him. He has prided himself on the fact in the improvements provided for in the Budget will be found scope for the employment of thousands of young men. But I doubt how much the hope is likely to prove effective when the plan is put in operation.

As a matter of fact what ought to have been done, is to have made ampler provision for sanitation, education and irrigation with necessary expansion in agriculture and the industries. While the former would have made Bengal comparatively free from disease and untimely death, the latter would certainly have made her people better equipped to bear the taxes that are imposed on them. The present Secretary of State once calculated the loss to Bengal due to the ravages of "malaria" loss in life and loss in resources; and he remarked that it is estimated that this disease alone is responsible for 20 days in a month of sickness in the Presidency every year. And this gives an idea of its results from an economic point of view. The new Government should have faced the problem boldly and made ample provision to combat malaria not in a village or two, but in a district or two at least. No tinkering with the problem will do.

The experiments made under the middle class unemployment relief scheme have been commendable. Small industries established without making necessary arrangements for the marketing of goods and the supply of raw materials can but end in dismal failure.

Our agriculture starves for want of irrigation and other ills. Unless agriculture is improved, the establishment of Debt Conciliation Boards will be like putting the cart before the horse.

In this connection I am sorry to say that having watched the working of these Boards, I have to say that their working has not been conducive to the interests of the debtors. The establishment of a Co-operative Bank in every village or in every group of villages would have been more beneficial to the *raiyats*.

I wonder if the Hon'ble the Finance Minister has fully realised the implication of his admission that without fresh taxation it will not be possible to make primary education free. I wish he had taken a leaf out of the book of the Calcutta Corporation and relied on retrenchment more than falling prone to lean on the bruised need of fresh taxation at a time when it is freely said that taxation has reached its limit and is exceeding it already.

I have referred to irrigation. I will stress on the sinking of more tube-wells and the re-excavation of tanks which will serve the dual purpose of providing drinking water and affording irrigation facilities.

Mr. BANKIM CHANDRA DATTA: Sir, the Hon'ble Minister of Finance has no doubt cause to be proud that it has fallen to his lot to be Bengal's first Indian responsible Minister of Finance, but the pride would have been justified if he had been able to give us a Budget which had amply provided for the removal of ignorance and illiteracy or even only a partial solution of the unemployment problem. The Hon'ble Minister has, in his speech, laid stress on the motive behind his endeavours, i.e., the progress and emancipation of a nation, which I think should decide the order of importance or the order of priorities in which the various problems have to be tackled. I am afraid the order laid down is not in line with the motive suggested. Primary education should have claimed his first attention and then the other problems. In spite of the fact that as a result of the Neimeyer recommendations, Bengal has been saved from a debt of Rs. 8 crores and 41 lakhs and have got an increased revenue of Rs. 45 lakhs, the Budget shows very little improvement so far as the man-making departments are concerned. Out of the excess provision of expenditure amounting to Rs. 89 lakhs, Education has got only an additional grant of Rs. 4,90,000. This is like a drop in the ocean and practically nothing has been done for the improvement and expansion of primary education, the additional amount provided for recurring grant for Biss Scheme primary schools being the magnificent figure of Rs. 6,250.

Sir, the Biss Scheme of free primary education was first introduced about 20 years ago and municipalities and, I believe, also district boards, took up starting schools under this scheme on an assurance from Government that they would pay half of both the capital and recurring expenditure in respect of all such schools. Government kept their promise all right at the beginning but subsequently retraced their steps. So far as my municipality—I mean the Municipality of Howrah is concerned—we started 12 schools within the first two years and Government sanctioned payment of the half of the expenditure, but when subsequently the number of schools was gradually increased and Government was requested to sanction their promised grant for the new schools, we were told that Government was not willing to sanction further grants piecemeal until a comprehensive scheme for making education free throughout the municipality was prepared. A comprehensive scheme was then prepared with the assistance and full support of the Government Education Officers of the district and sent to Government when we were told that the cost was too high and Government was not in a position to take up the liability for such a high expenditure. They would not look at modest schemes because they are modest nor at comprehensive schemes because they are costly. This is an attitude which is difficult to appreciate. This, of course, has enabled Government to avoid payment of their share of the cost, but this had also the effect of stopping further progress in the matter of primary education.

Sir, the importance of primary education, in this country, cannot be over-estimated. In a country where only 5 per cent. of the people is literate and the rest groping in darkness, primary education must be considered to be a first charge on the State. Dr. Jenkins, the great educationist, concludes a learned article on "Education," by this pathetic appeal to our patriots, "Lovers of country—in education lies the hope of future greatness." Man, Sir, is a bundle of potentialities which demand certain conditions before they can realise themselves. Fulfil these conditions and you make the "Man" and once you make the "Man," you make the nation. I must say Education is really a very sound productive work and every pice spent thereon is spent well. If "Progress and Emancipation of the Nation," may I repeat, is really the motive behind the Government endeavours, let them prove it by reducing expenditure in unproductive and luxurious civil works and increasing the grant for primary education.

Sir, the provision made for original works under head "Medical" is very meagre indeed. The provision of Rs. 4,500 for the improvement of the Tuberculosis and Diphtheria Wards of the Medical College Hospitals, Rs. 7,336 for the Sir John Anderson Casualty Block, Rs. 11,925 for a dispensary at Bagdogra (Darjeeling), and Rs. 3,000

for the Campbell Hospital are the only provisions for hospital improvement. In a country where people are dying like flies of Tuberculosis and other epidemic diseases, this is no doubt very disappointing. One would very naturally expect the popular Ministers to direct their attention to the extension of medical facilities for the poor and the unfortunate.

Probably the other most important and pressing problem at the present moment is the problem of "Unemployment." "Unemployment," Sir, is a national misfortune, but it is none the less a national opportunity. "The Gold Standard may fall but the Man Standard will always prevail." Hence it is the duty of every national Government to harness into constructive channel the energies now lying useless, of the great mass of unemployed youth in this country. Idle brain, as you all know, is the devil's workshop. Most of the political troubles is due to this unemployment. People do not and will not live by a mere change in the Constitution, but by bread or what is now called *Dhal Bhat* alone. Kill unemployment or it will kill us all. I understand the Hon'ble Finance Minister claims that his Budget would provide employment to at least 10,000 people. I do not know how he arrives at the figure. If the contractors and labourers to be employed for the civil works are also included in this estimate of 10,000, I may only say that such civil works are provided in every year's Budget. But assuming that 10,000 men will be provided, I am sure this can satisfy nobody. It is no use employing a number of men for some time on some unproductive works. What again is the proportion of these 10,000 men to the huge number of the unemployed in the Province which must be several lakhs. If they really and honestly want to tackle the unemployment problem, the first thing the Government should do is to take a census of the educated and uneducated unemployed in the Province. Without an accurate survey of the situation, as also an accurate idea of the requirements, it is useless making provision for a job here and a job there. Expenditure for the purpose of a correct census of that unemployed in Bengal will ultimately be found to be an expenditure for the real good of the people. Local bodies will, I am sure, be very glad to co-operate in taking this census, if Government agrees to provide the necessary fund. The Bengal Municipal Association has already taken up the work and has requested the various municipalities to send returns, but most of them have failed for want of funds.

Sir, a question might be legitimately raised as to where to get the money from. That, Sir, is primarily the duty of the Finance Minister, and all that I can do, is to put forward my humble suggestions in that direction. (At this stage the time-limit was reached.) Is it possible for me to have a couple of minutes more?

Mr. PRESIDENT: You can have one minute.

Mr. BANKIM CHANDRA DATTA: Sir, I shall only point out the provision made for civil works. We find a provision of Rs. 60,000 for the construction of a residence for the Collector of Rangpur. I ask, Sir, in all seriousness—is not Rs. 60,000 too much for a residential quarter for a Collector? It is not my intention to deprive public servants of any comfort but the time has come when luxuries should be avoided.

Then there is a provision of Rs. 9,11,730 for the construction of a new Central Jail at Dum Dum and accommodation for the Eastern Frontier Rifles. May I enquire of the Hon'ble Minister of Communications and Works why the accommodation for the Eastern Frontier Rifles is mixed up with the provision for a Jail? Has the Eastern Frontier Rifles been permanently deputed for jail work? Where is the necessity for a new Central Jail at Dum Dum? At the time of the Civil Disobedience Movement, the necessity of extension of jails was no doubt felt, but has not the contingency gone for ever? Let us know why you, Sir, anticipate unnecessary contingencies.

Lastly, I find a provision of Rs. 6,13,000 under head "28—Jails," for charges on account of persons confined and detained in jails outside the Province. The other day, we were told that the Government of Bengal has no responsibility for the Andaman prisoners. But we are called upon to pay Rs. 51,300 and Rs. 6,000 for the prisoners confined there. It is queer to think that we shall pay but we shall have no responsibility. If that is so, let us stop the payment and the Government of India will at once ask us to bring back our prisoners.

I shall now refer to two special grievances of Howrah, viz., the inadequacy of the contribution made to the Howrah Municipality from the Motor Vehicles Tax Fund and the undue delay in establishing an Improvement Trust for Howrah. The collections of motor vehicles tax for the Howrah town alone came up to Rs. 80,000 per year, but we get only about Rs. 30,000. I would most earnestly request the Government to look into these two matters and see that we get our adequate share of the tax and that the question of having an Improvement Trust for Howrah be expedited.

Mr. KADER BAKSH: Mr. President, Sir, it is not with a desire to criticise the budget of the Hon'ble Finance Minister that I feel inclined to take part in the discussion. I would like to make some very modest suggestions for the amelioration of the condition of the

masses—the dumb millions living in villages. The crying needs of these people do not require any repetition as they are all very well known to all of us.

The Hon'ble Finance Minister must be thanked and congratulated that he has been able to show a surplus of about Rs. 35 lakhs. He has given us no practical suggestion as to how this amount has to be utilised. He has also admitted that this saving has been possible due to stoppage of interest consequent on Niemeyer Report and the raising of our share of the jute export duty by Rs. 45 lakhs. The financial position of the province is better than it has been in the previous years.

The Budget speech throughout speaks of grappling the problems that confront us with determination, specially to lift the masses from the depths of misery, illiteracy, ignorance and poverty to which they have sunk and to help the nation to make a rapid forward march towards progress.

The Finance Minister has given us a vivid picture of the man behind the plough—about his ignorance, his superstition, his crusted tradition and his rusted implement, his thriftlessness, his tragic fatalism, his indebtedness. He is further a victim of diseases and pestilence. He tells us that in all the ameliorative measures that the Government will take in hand the objective should be the betterment of the condition of the masses.

Now, therefore, Sir, my humble appeal would be for devoting the entire amount of the jute export duty that has up till now been realised or at least the surplus amount may entirely be devoted for introducing free compulsory primary education in selected areas in each district and that immediately without any further taxation on the poor; for the supply of good drinking water in rural areas: for starting union board dispensaries as far as practicable.

The Hon'ble the Finance Minister further informs us that the scheme for free compulsory primary education and a further scheme for the setting up of machinery for conducting educative propaganda amongst the masses are receiving very careful attention of the Government. I for one am not at all encouraged with such information. We do most humbly urge for giving effect to the free compulsory Primary Education Bill at once by taking advantage of the opportunity afforded by the surplus . The jute growers may fairly urge for the utilisation of the entire amount of the jute export duty for the spread of primary education and the Government could not legitimately object to such a proposal. If we, Sir, wait for a comprehensive scheme for establishing free compulsory schools throughout the province all at once, we shall never be able to make a beginning even without fresh taxation which, as I have said, the masses are not in a position to shoulder.

We know that the Hon'ble Chief Minister is very keen about primary education without taxation. We have the fullest confidence in him. We furthermore believe that he will not lose a single moment in giving effect to the Bill. My humblest appeal to him and the Finance Minister would be not to wait for a comprehensive scheme but to start such schools at once in selected areas and thus remove the handicap of the children of the rural areas.

Then, Sir, with regard to the supply of pure drinking water in rural areas, I may say that there may be water everywhere but not a drop to drink. It has been a very knotty problem in the northern districts of the province. In most of the villages the people, instead of water, take poison. I speak from personal experience that I had to go without water for more than 36 hours in my last election tour. The district boards are not in a position to tackle this problem for want of funds. The additional provision of Rs. 1½ lakhs on this head is but a very poor allotment.

Then with regard to the opening or helping the opening of union board dispensaries I might inform the House that in the district of Dinajpur at least villagers over vast areas have to go without any medicines in times of need. I have heard of instances when the children died on their mothers' lap without a drop of medicine.

One more suggestion and I have finished. It has been found necessary by the agriculturists that there should be more veterinary dispensaries in more centres than we have got at present and all of them should be well equipped. It is the primary need of the agriculturists living in the interior. With these words I appeal again to the Hon'ble Chief Minister and the Finance Minister to carefully take into consideration my proposals.

Rai MANMATHA NATH BOSE Bahadur: Sir, I need not dilate upon those points on which I intended to speak to-day, inasmuch as there has been a sufficient discussion. But I wish to point out certain important facts which will go to show that this Budget is not what it should have been. I find, Sir, that there has been a heavy expenditure on Police and General Administration: I would point out to the Finance Minister that so far as the district of Midnapore is concerned, a house is going to be purchased for the Additional Superintendent of Police which to my mind is entirely unnecessary, because you will find that all the officers at Midnapore—the District Magistrate, the Additional District Magistrate, District Judge and other officers—all live in rented houses; so the necessity of purchasing this district board building for the Additional Superintendent of Police passes one's comprehension. I should also like to point out to you that a very small amount has been allotted for Sanskrit *tolls*. I submit to you that if it be compared with allotments which have been made to similar

other institutions it will be found that the amount is extremely inadequate and insufficient for the purpose.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM addressed the House in Bengali. The following is the English translation of his speech:—

Mr. President, Sir, it is education that makes a man a man and enables him to discriminate between good and evil. But unfortunately the amount that has been allocated to education this year exceeds the previous years' provisions by a very small margin. The major part of the expenditure provided for education in the Budget will be made in Government schools and colleges, whereas examination results go to show that private educational institutions are superior to Government ones. For instance, at the last Matriculation Examination, out of the 9 first grade scholarships 7 were won by candidates from private schools and 2 by those from Government schools; of the 23 second grade scholarships only 6 were secured by Government schools and of the 63 third grade scholarships Government schools had to their credit not more than 11 or 12. The salary drawn by head master of a Government school far exceeds even the total amount of salaries paid to the entire teaching staff in a private school. A matriculate teacher in a Government school gets a salary which is equal to that of 3 or 4 well-trained graduate teachers taken together in a private school. Out of the total expenditure incurred in a private school Government bears only one-sixth, one-fifth or at most one-fourth of the whole. Arrangements should be made for meeting out of Government funds at least one-half of the total expenditure incurred in a private school, together with the cost of necessary furniture and the upkeep of a library.

Next, as regards female education, practically no provision has been made in the present Budget. No country, no nation has ever been able to achieve much without first imparting proper education and training to its women folks. Of course, it is to be admitted that education has spread to some extent among women of upper caste Hindus. But as for women belonging to the Moslem community and the depressed classes, nothing worth the name has been done to spread the light of education among them. It is therefore regrettable that they have been totally neglected in the present Budget.

While education has been made to starve, lavish provisions have been made for the Police. A matriculate Police Sub-Inspector formerly used to be appointed on Rs. 30 or Rs. 50 a month, but now he gets an initial salary of Rs. 80 a month. It is extremely doubtful if two graduate teachers together in a private school regularly draw Rs. 80 a month! Besides, Government spend a lot by way of house allowances for the whole police staff, from the Sub-Inspector down to the ordinary constable. There is also involved a heavy drain upon

Government finances on account of mosquito nets supplied to police constables. Out of Rs. 2 crores 27 lakhs budgeted for the police, a substantial amount ought to have been set aside in order to make provisions for meeting at least half the expenses incurred by high schools under private management, cost of their furniture, upkeep of libraries and for female education.

The Hon'ble Finance Minister has stated that free primary education cannot be introduced without imposing fresh taxes. The peasantry is already on the last extremity of want and misery. It is a dreadful thing to think of their being further taxed.

It is the Government who are responsible for maintaining law and order in the villages. It is therefore only meet and proper that *chaukidars* should be paid out of the Rs. 2 crores 27 lakhs assigned for the police. And the *chaukidari* tax that is levied from the public should be diverted to the introduction of free primary education. I hope the Hon'ble Minister for Education will kindly take this suggestion into consideration. We do not think that the entire amount of the *chaukidari* tax is justly disbursed. The union board presidents often devote a considerable portion of it towards entertaining Circle Officers who happen to pay visits to their unions.

Amounts have been allocated in the Budget to irrigation work in the East, West and Central Bengal, while North Bengal has been left entirely out of account. As far as my information goes, a scheme for reclaiming the river Karatoa which flows between the district of Rangpur and Bogra has been pending before the Government for the last two years, but nothing has as yet come out of it. Even the Budget for the present year completely ignores it.

We divide amongst ourselves what is earned by the peasant. It is therefore the peasant who supplies the national capital. For several years past the peasant has been the hardest hit by the slump in the price of jute which is his money crop. This deterioration in the economic condition of the peasant has dislocated the whole structure of business. Zamindars, mahajans, lawyers and others have been severely affected. But the Budget betrays a woeful lack of initiative for the improvement of the peasant's condition. However, I beg to suggest that out of more than Rs. 2 crores received from the Central Government on account of jute duty, a fund should be created for purchasing the entire out-turn of jute produced by the cultivator. Next, out of the profit realized by the sale of the jute so purchased rebates should be granted to the cultivator. This will solve the whole problem connected with jute and the peasant's condition. I hope the Hon'ble Minister in charge will kindly consider this suggestion.

The Commission appointed under the chairmanship of Mr. K. C. De, estimated the total agricultural indebtedness at Rs. 100 crores.

Of this, Rs. 50 to Rs. 55 crores were calculated to be the amount of interest. This was about 6 or 7 years back. In the meantime the sum on account of interests must have mounted up. But owing to the economic depression in the country creditors are prepared to forego the interests due to them and will settle the account if only the principal is paid to them. This means that the whole amount of agricultural indebtedness can be wiped off with only Rs. 40 to Rs. 45 crores. I think that Government might raise a loan at an interest of 3 per cent. per annum and distribute the amount so raised among the peasants on long term credit at the rate of 4 per cent. per annum. If this is not possible, Government should at least help the peasants in this way to clear their debt amounting to Rs. 3 or 4 crores which were advanced from the Co-operative Banks. Of course, Government help the Provincial Co-operative Bank to the extent of Rs. 2 lakhs for lessening the incidence of interests on the cultivator. But in the absence of any representative of the cultivator on the Board of Directors of the Provincial Co-operative Bank, it is extremely doubtful if the cultivator has been able to derive any benefit out of the said subsidy granted by the Government. The directors of the Provincial Bank are appointed at the sweet will of the present Registrar of Co-operative Societies. I do not know whether these directors are alive to the needs of the poor cultivator. I hope the Hon'ble Minister in charge will kindly take this into account.

Rai KESHAB CHANDRA BANERJEE Bahadur: May I draw your attention, Sir, to a very important matter? The Upper House will not have an opportunity of moving cut motions and only two days have been allotted for the discussion of the Budget. I understand that many members still want to speak on the Budget. But as time is short and the Finance Minister has to reply they cannot speak on the Budget. May I ask you, Sir, to move His Excellency the Governor to fix another day for the general discussion of the Budget by the members of this House?

Mr. PRESIDENT: Section 115 of the Rules and Standing Orders says, "On a day or days to be appointed by the Governor, exercising his individual judgment, subsequent to the day on which the Budget is presented and for such time as the Governor exercising his individual judgment may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle." So it lies with His Excellency the Governor in his individual judgment to fix the time and it is only for him if he so likes to extend it.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I quite appreciate that many members of this House wanted to speak, but as there is not sufficient time they cannot do so. I also realise that while members of the other House get opportunities of discussing specific subjects at the time of appropriation of grants, this House does not

unfortunately get any such opportunity. I can say this much that although it is beyond our jurisdiction I will bring it to the notice of His Excellency so that from next year more time is given to this House for a fuller discussion of the Budget.

I always welcome criticism because I realize that I am not omniscient and because I know that there is a limitation to my knowledge and experience—I always welcome criticism, which I consider to be the life and soul of democracy. It is a very great pleasure to me, Sir, to acknowledge the fact that most of the speeches delivered here have been inspired by constructive ideas. I quite appreciate that every member has been inspired to do things for his own constituency and the maiden speech delivered by my hon'ble friend Begum Hamida Momin has been particularly helpful to me. She has criticised the Education Budget, I should say, very intelligently. And I can assure her that the suggestions made by her for women's education—particularly the education of Muslim girls—will have very earnest and sincere consideration of Government. I also want to compliment Mrs. D'Rozario for the excellent speech criticising my budget speech and statement. With these few prefatory remarks, Sir, I want to give a hurried reply to the various points raised by the various speakers in this House.

My friend the Leader of the Opposition has said that in my Budget he has not seen anything new: it is the product of the old order. Sir, to a certain extent I admit that it is a product of the old order. But, Sir, most Government measures are bound to be the same as they were before, because I am not presumptious enough to give the House an assurance that the present Government can manage without a police, without a magistracy, or without courts of justice. The same old order of protecting Law and Order through the help of the police will, therefore, have to continue, and the same processes of judicial machinery will have to continue so long as people vie with one another to have their rights established. Even for carrying out and conducting the different beneficent measures Government will have to keep up a machinery, and it is the custom of every government, where normal government exists, that its first and primary duty is to maintain Law and Order, to provide for a judicial machinery, and the other ordinary paraphernalia of government. You cannot improve the condition of the *raiyats* without these pre-requisites. But I admit that we have our own limitations also. We shall not be justified in keeping up a top-heavy administration. (Cheers.) Some of my hon'ble friends have said that we must cut down the administrative expenses. Certainly, I agree with them; but I want them also to realize our limitations in that connection. We have accepted the responsibility of working these Reforms under the Government of India Act, 1935, and the Government of India Act, as you know, Sir, has provided for checks and brakes; they have not given us unequivocal powers to do at our will what we like. So far as the question of reducing the administrative cost

is concerned, I think hon'ble members were thinking of the superio services, because some of them have described our administration t be top-heavy. I might point out, Sir, that the appointments whicl are made by the Secretary of State for India and other superior service of an all-India character we cannot touch; we have no power to reduc their salaries or emoluments. Therefore, economy in administrativ cost will mainly be confined to cutting down the salaries of the provin cial and subordinate officers, as we cannot cut down the salaries of the all-India services as they are directly controlled by the Secretary of State.

Mr. SHRISH CHANDRA CHAKRAVERTI: Are they untouchable?

The Hon'ble Mr. NALINI RANJAN SARKER: I do not call them untouchable, but they are rather super-touchable. So, when you have to use your axe, it will have to be directed only towards the provincial services so to say. But even in this respect, I say that for future entrants the last Government reduced the expenditure to a considerable extent. My friend and countryman Khan Bahadur Muazzamuddin Hosain wants that the Swan Committee's report should be accepted *in toto*. The Swan Committee recommended the revision of salaries of officers under the local Government belonging both to the judicial and executive sides of Government. They recommended a very considerable reduction, and effect has been given to that recommendation, which will ultimately effect a saving of Rs. 50 lakhs in salaries alone.

Rai KESHAB CHANDRA BANERJEE Bahadur. It is only a partial saving, and only partial effect has been given.

The Hon'ble Mr. NALINI RANJAN SARKER: My friend the Rai Bahadur says that only partial effect has been given. It is so, but that relates only to the total amount of retrenchment recommended. The total retrenchment recommended is to the tune of Rs. 1 crore 81 lakhs, out of which Rs. 50 lakhs have already been saved. I say, therefore, that full effect has been given to their recommendation relating to salaries. So far as the other recommendations are concerned, we hope to have an ultimate saving of Rs. 90 lakhs under other heads. As I have pointed out already, in my Budget speech, I had to prepare the Budget estimates according to schedule, and we had only two months at our disposal for this purpose. Sir, I admit that I could not do justice and give effect to your desire to effect full-fledged retrenchments in the administrative departments. My friend, Khan Bahadur Abdul Karim, has said that only two days are sufficient for the preparation of the Budget, and certainly not two months. But if he would kindly help me with practical suggestions, I should be extremely grateful.

A member: In Bombay the Budget has been framed in 15 days only.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I am so much actuated by the real interests of the province that if any Hon'ble Member says that within two months he will be quite able to effect such savings in the administrative cost as will provide for all the beneficent activities of Government, at least the most urgent activities of the province, I am prepared to make room for him and resign my seat in the Cabinet.

A member: Four months is quite sufficient.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, as I have so often said, I had only two months in which to prepare the Budget, and I have already made my submission to this House as regards my difficulty. Even to Rai Bahadur Manmatha Nath Bose I bow down, and I would accept with the greatest reverence all his suggestions. So, it has not been possible for us to prepare our Budget in a new form. Even if the form has to be changed, even if it has to be bound in *khaddar*, I can only do it next time.

Then, my friend Dr. Radha Kumud Mookerji asked me why I did not wait to see the model budgets prepared by the six Congress provinces and then copy the policies and methods which they pursued.

Mr. SHRISH CHANDRA CHAKRAVERTI: Why should you copy them; you will copy the I.C.S.?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, it is not my unfortunate lot alone to copy the I.C.S. as there are other members who copy the I.C.S. people. Their daily vocation is to be before them from 11 o'clock in the morning to 5 o'clock in the evening, and address them as "My Lords" and so on. Sir, I have been accused not only for what I have done but also for what I have not done; for example, I have never said that it is a prosperity Budget; I have never said that I have made provision for a solution of all the problems confronting Government. What I in my humble way have placed before you and before the House is that these are our problems and these are the financial methods of solving them. For the beginning we have got ample resources—potential and existing—by which a fair beginning, although slow, can be made. More than that I have never claimed and will never claim.

There has been a persistent demand in the House for the introduction of primary education, and I have been accused of not having made any provision for it. If I have not made any provision for primary education, please do not think that I do not attach any importance to it. As a matter of fact, for the improvement of the human material I have given the first place. I have similarly not made any provision for the Calcutta Port Trust, though as a business-man I do not deny that the Calcutta Port is necessary. Similarly, I have not made any provision for the Calcutta Improvement Trust; from that you cannot assume that I do not consider that the improvement of Calcutta is

desirable. I have not included anything for primary education becau of the fact that there is a Primary Education Act which has not y been repealed. Under that Act the financing of primary educatio should be made by the levy of a cess, and that cess will be administere by district school boards; so if provision in regard to this matter do not find a place in this Budget, it is because we have altogether separat *ad hoc* bodies for the administration of primary education. As a matte of fact, under the existing Primary Education Act, a beginning wa made in the district of Mymensingh—the biggest district in Bengal- but there was an agitation that primary education ought to be give without taxation, and that is why the Hon'ble Education Ministe has taken time to see whether he could reduce the balance of taxatio and evolve any scheme which would involve lesser expenditure tha what was contemplated by the past Government. I assure the House however, that, before the next Budget is prepared, provision will b made for at least making a beginning for primary education with a view to making it compulsory. (Ironical cheers from the Congres benches.)

So far as my personal view is concerned—I am not binding Government by any kind of promise whatsoever—I might mention that since the very day that I took up the responsible duty of a Finance Minister I have been always urging before my colleagues, particularly the Hon'ble Minister for Education, and before the public also, that primary education should be financed by a separate tax, and my firm conviction is that the taxation proposals which have been made in the Primary Education Act are not very burdensome so far as the poor agriculturists are concerned, though it may be burdensome to those who have got to pay the Government an increased revenue on this account, because any agriculturist who pays Rs. 10 to a zamindar and who has got about 8 or 9 bighas in his tenure will have to pay only 8 annas as education cess per annum, and in return for this 8 annas he will be allowed to educate all the children of his family from 5 years to 11 years of age free. Sir, I consider that that is not at all burdensome to the agriculturists. Of course, this is my personal opinion. There are also different opinions, and I quite realize that. But, Sir, I also belong to Bengal and also have some connection with the villages of Bengal, and my firm conviction is—I am not saying this flambouyantly—but am sincerely speaking, that the education cess provided for in the Primary Education Act is not burdensome so far as the agriculturists are concerned.

Mr. SHRISH CHANDRA CHAKRAVERTI: What about other countries?

The Hon'ble Mr. NALINI RANJAN SARKER: I would request my hon'ble friend not to compare with other countries because their income is much greater than our own country's income and they spend more and pay taxes on a higher scale than what we pay.

Mr. friend Dr. Radha Kumud Mookerji said that this Government have taken the Niemeyer Award as a settled fact. Nothing of the kind. We are working the Government of India Act, 1935: my friends have also come to this Council to work the Government of India Act, 1935. None of us are committed to this Act that we cannot make use of, that we cannot work with a view to remove all the safeguards and to establish full provincial autonomy. Exactly in the same way we are not committed to the Niemeyer Award. Whatever agitation my friends want to start we have no objection: we shall join them if we feel it is in the right direction.

Mr. SHRISH CHANDRA CHAKRAVERTI: The Finance Minister will take the initiative.

The Hon'ble Mr. NALINI RANJAN SARKER: But the past Finance Minister has taken such initiative that whatever facts and figures have been quoted by the Leader of the Opposition have been prepared by the past Government.

Sir, my only apprehension is when they speak of whirling campaign. I do not believe in that. Sir, you have got your own experience in the last Assembly election and you know that. Some of my Congress friends, on the assurance that they will launch propaganda throughout the country, both inside the Chamber and outside, against the communal award, have got in elected here and you know, Sir, how when the election was over that whirling campaign was non-existent.

Mr. SHRISH CHANDRA CHAKRAVERTI: Mr. President, Sir, on a point of order. Is the Hon'ble Finance Minister entitled to refer to those facts here in this connection?

Mr. PRESIDENT: Order, order.

The Hon'ble Mr. NALINI RANJAN SARKER: Then I come to the remarks made by the Maharaja Bahadur of Santosh. The Maharaja Bahadur's first point is that we have not made sufficient provision in the Budget for the unemployment question. The unemployment question is a very serious question I admit, and I have made it perfectly clear in my printed budget statement which I have circulated to the members. Therein the Government's policy has been fully enunciated. Government will do their best, but I think that Government's power is very much limited. In the solution of unemployment problem I consider, Sir, that the non-official public has to do greater things than the provincial Government. We have heard here the examples of Bombay, but if you consider the condition in Bombay you will find how the non-official people have initiated and run industries there: practically all the people there are industrially minded. But why are we lagging behind? I say it is due to the fact that a claim has arisen in our country under the protection given by the Permanent Settlement. The Maharaja has accused me of not

providing for unemployment. I can assure the Maharaja that if I had my own way I shall compel the people of Bengal to take initiative in industrial and commercial venture and I will help in the solution of unemployment, but that cannot be done until too much dependence on land and too much dependence on middle-men is removed and that cannot be done unless the Permanent Settlement is removed. The Maharaja Bahadur will find me very sincere in the solution of the unemployment problem, and I will solve this for the betterment of our next generation.

The Maharaja has said that I have not provided anything for housing scheme for rural areas. I may say that in future in 10 years we are not to provide for any housing system in rural areas. The rural people are living in clean surroundings, in cottages and thatched houses which should not be disturbed and they need not be provided with pucca houses. I am more anxious for the rural people than the town folk.

So long I am the Finance Minister I will not make any provision for swimming bath while our country is full of rivers and canals. The Maharaja is the President of some sporting association and I would ask if he has been able to draw the young men for physical exercise there which he complained of. He can draw mere visitors there than actual people who are given to sports.

Then, Sir, I have been accused that though I have said that the condition of the men behind the plough should be improved, I have made no provision in the Budget. I have made provision for debt settlement which is the first question. The next is that self-respect of these people may be improved and 20 per cent. credit can be increased. Our Revenue Minister will introduce a Bill by which some of the disabilities will be removed.

Sir, one hon'ble friend, and it is my hon'ble friend Mr. S. C. Chakraverti, has lapsed into reminiscence of history and recalled the callousness of the Roman Emperor who was fiddling while Rome was burning. My musical talents will not enable me to play anything of that sort—far less a fiddle—but I may tell you, Sir, that any attitude of stubborn or unhelpful opposition will not prevent the conflagration in any country. Sir, if the citizens all bring their bucketfuls of water to quench the flames not even Nero's musical callousness can reduce a city to ashes. If I may persist, Sir, in the Roman example, I may say that Rome was not built in a day and I do not think Bengal can be built overnight.

Adjournment.

The House then adjourned till 2-15 p.m. on Wednesday, the 11th August, 1937.

Members present.

The following members were present at the meeting held on the 9th August, 1937:—

(1) Ahamed, Mr. Nur.

(2) Ahmad, Mr. Naziruddin.

(3) Ahmed, Mr. Mesbahuddin.

(4) Baksh, Mr. Kader.

(5) Banerjee, Rai Bahadur Keshab Chandra.

(6) Bose, Rai Bahadur Manmatha Nath.

(7) Chakraverti, Mr. Shrish Chandra.

(8) Chaudhury, Mr. Moazzemali.

(9) Chowdhury, Khan Sahib Abdul Hamid.

(10) Chowdhury, Mr. Khorshed Alam.

(11) Chowdhury, Mr. Humayun Reza.

(12) Cohen, Mr. D. J.

(13) Das, Mr. Lalit Chandra.

(14) Datta, Mr. Bankim Chandra.

(15) Datta, Mr. Narendra Chandra.

(16) D'Rozario, Mrs. K.

(17) Dutta, Mr. Kamini Kumar.

(18) Ellahi, Mr. S. Fazal.

(19) Esmail, Khwaja Muhammad.

(20) Goswami, Mr. Kanai Lal.

(21) Haider, Nawabzada Kamruddin.

(22) Hosain, Khan Bahadur Saiyed Muazzamuddin.

(23) Hossain, Mr. Latafat.

(24) Huq, Mr. Syed Muhammad Ghaziul.

(25) Ibrahim, Khan Bahadur Maulvi Mohammad.

(26) Kabir, Mr. Humayun.

(27) Karim, Khan Bahadur M. Abdul.

(28) Khan, Khan Bahadur Muhamad Asaf.

(29) Khan, Maulana Muhammad Akram.

(30) Laidlaw, Mr. W. B. G.

(31) Maitra, Rai Bahadur Brojendra Mohan.

(32) McKerrow, Mr. J. A.

(33) Momin, Begum Hamida.

(34) Mookerjee, Mr. Naresh Nath.

(35) Mookerji, Dr. Radha Kumud.

(36) Nicoll, Mr. C. K.

(37) Ormond, Mr. E. C.

(38) Pal Choudhury, Mr. Ranajit.

(39) Poddar, Mr. H. P.

(40) Rahman, Khan Bahadur Ataur.

(41) Rahman, Mr. Mukhlesur.

(42) Rashid, Kazi Abdur.

(43) Ray, Mr. Nagendra Narayan.

(44) Ray Chowdhury, Maharaja Sir Manmatha Nath, Kt., of Santosh.

(45) Roy Chowdhury, Mr. Krishna Chandra.

(46) Sanyal, Mr. Sachindra Narayan.

(47) Sarker, Mr. Indu Bhusan.

(48) Sen, Rai Sahib Jatindra Mohan.

(49) Sinha, Rai Bahadur Surendra Narayan.

(50) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

(51) Wilmer, Mr. D. H.

Members absent.

The following members were absent from the meeting held on the 9th August 1937:—

(1) Barua, Dr. Arabinda.

(2) Chowdhury, Mr. Rezzaqul Haider.

(3) Chowdhury, Mr. Hamidul Huq.

(4) Hossain, Mr. Mahamed.

(5) Jan, Khan Bahadur Shaikh Muhammad.

(6) Lamb, Mr. T.

(7) Molla, Khan Sahib Subidali.

(8) Mukherji, Rai Bahadur Satis Chandra.

(9) Roy, Rai Bahadur Radhika Bhusan.

(10) Shamsuzzoha, Khan Bahadur M.

(11) Singh Roy, Mr. Saileswar.

Ministers present.

The following Hon'ble Ministers attended the meeting held on the 9th August, 1937.

(1) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A

(2) The Hon'ble Sir Bijoy Prasad Singh Roy, Kt., M.L.A.

(3) The Hon'ble Nawab Khwaja Habibulla Bahadur, of Dacca, M.L.A.

(4) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(5) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, M.L.A.

(6) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(7) The Hon'ble Mr. Prasanna Deb Raikat, M.L.A.

(8) The Hon'ble Mr. Mukunda Behari Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 11th August, 1937, at 2-15 p.m., being the fifth day of the Second Session, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-one members and eleven Ministers were present.

QUESTIONS AND ANSWERS

Revisional Settlement proceedings.

64. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing separately against each of the following particulars connected with Revisional Settlement proceedings of the Government and temporarily-settled private estates:—

(*i*) the total area of Revisional Settlement programme so far completed since the appointment of Special Land Revenue Officers in—

(*a*) the Sunderbans area

(*b*) the district of Midnapore,

(*c*) the district of Jalpaiguri, and

(*d*) other areas;

(*ii*) the estimated increase in revenue in the initial proposals of such areas; and

(*iii*) actual increase in revenue in each such area?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): A statement is laid on the table.

Statement referred to in the answer to question No. 64.

Name of district or area where Land Revenue Settlement was taken up under Special Land Revenue Officers.	Total area so far completed in square miles.	Estimated increase in revenue in the initial proposal in that area.	Actual increase of revenue in the said area.	Remarks.
1	2	3	4	5
1. Sundarbans Area—				
(a) Khulna ..	52	63,918	39,244	
(b) 24-Parganas-Khulna.	103	53,000	89,182	
Total ..	155	1,16,918	1,28,426	
2. Midnapore ..	458	80,000	86,470	
3. Jalpaiguri ..	914	2,20,000	2,84,309	There was larger expansion of cultivation, than was anticipated.
4. Bakarganj ..	387	1,40,000	2,83,851	New *char* areas were added after the proposals.
5. Faridpur	148	28,633	55,332	Ditto.
6. Tippera	86	20,483	24,896	
7. Noakhali	562	74,957	1,49,985	*Vide* remarks against item 4.
8. Pabna	161	62,000	36,101	
9. Dacca	130	20,064	29,078	
10. Mymensingh ..	118	15,150	16,756	
11. Rajshahi-Nadia-Murshidabad.	17	2,900	3,671	
12. Khulna	3·5	628	562	
13. 24-Parganas-Khulna	25	7,000	18,517	
14. Bankura	13	1,300	1,263	

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether it is not a fact that a large portion of the increase shown in the statement is due to enhancement on account of rise in prices?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state under what basis were these increments made?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The basis of increment in each case is different. The Settlement Officers are not guided by the same principle everywhere. The increments are made under different sections of the Bengal Tenancy Act.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state what are the sections under which these increments were made?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The sections are in the Bengal Tenancy Act. Generally speaking, as far as my memory goes, sections 32, 104 and 105 are the sections.

Khan Bahadur ATAUR RAHAMAN: I want to know whether the principle of enhancement is only the rise of the price of the staple food crops or any other cause?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have already asked for notice of this question.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether drastic changes are contemplated in the near future under the Bengal Tenancy Act?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The question does not arise at all.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I submit, Sir, that it does arise.

Mr. PRESIDENT: Khan Bahadur, in a supplementary question you can ask for information which arises out of the answer given. You cannot, however, raise a new point in a supplementary question.

65. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether Revisional Settlement or District Settlement operations are contemplated to be undertaken shortly?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state if the landlords and the tenants were consulted in this matter?

(*c*) Is it proposed that the entire cost of such Revisional Settlement with interests for the money advanced by the Government is to be realised from the landlords and tenants?

(*d*) Are the vast majority of the landlords and the tenants strongly against any such Revisional Settlement within next 20 years?

(*e*) If so, are the Government considering the desirability of stopping such proceedings except in riparian areas?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes, in Midnapore district only.

(*b*) No.

(*c*) No, the proportion of the total expenditure recoverable from landlords and tenants is 87½ per cent.

(*d*) Government have no information to this effect.

(*e*) Government have not yet decided to take up any other district except Midnapore. They are considering the question whether it is advisable to take up such operations in other districts, and, if so, at what intervals.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state what percentage of the 87½ per cent. is borne by the landlords and what percentage by the tenants?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is borne in equal proportion.

Khan Bahadur ATAUR RAHAMAN: Will the Hon'ble Minister be pleased to state the reason why of all the districts, Midnapore is selected for revisional settlement operations?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The reason is that the land revenue settlement which had been done in Midnapore showed that there were very great discrepancies in the record-of-rights. When the Midnapore district settlement was taken up between 1911 and 1913 owing to the system of *guzari* very great difficulty was experienced in the settlement operations. Since then the Government has noticed that in a large number of disputes under the *guzari* system the people were anxious to have their disputes settled by the Revenue Officers. That is one of the main reasons why Government wanted to undertake the settlement operations in Midnapore.

Khan Bahadur ATAUR RAHAMAN: Will the Hon'ble Minister be pleased to state why tenants and zemindars have been penalised for the incomplete and inaccurate settlements made by the Government and for which the tenants and the zemindars had already paid?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They are not being penalised. That was the system prevailing in 1911-13. Now an improved system has been introduced and the people propose to take advantage of it and Government are only offering them that advantage.

Rai MANMATHA NATH BOSE Bahadur: Will the Hon'ble Minister be pleased to state whether the people were really consulted and whether they really asked for the settlement? Is it not a fact that they did not want it at all?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have already stated that it is not the practice of Government to consult the tenants and the landlords.

Rai MANMATHA NATH BOSE Bahadur: With reference to answer (*b*), may I enquire whether the people who are made to pay 87½ per cent. were consulted? If the settlement operations were undertaken without consulting them, why should the Government not pay the whole amount?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not the practice to consult the landlords and the tenants before undertaking any revisional settlement operations; and there is no reason why the Government should pay the whole amount because the landlords and tenants will be benefited more than the Government.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Minister be pleased to state whether the rates which the landlords and tenants had to pay on the previous occasion has any relation to the rates now levied?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The question is a hypothetical one. The rate is fixed after the settlement operations are over and it is difficult to announce the rates beforehand.

Mr. PRESIDENT: Raja Bahadur, perhaps you want to know whether the ratio of the amounts between the landlords and the tenants is the same as that between the Government and the tenants. What is it that you want to know?

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I want to know whether the ratio which was fixed on the previous occasion between the landlords and the tenants will be the same as in the present case?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The rate is fixed not beforehand but after the settlement operations are completed and the ratio is 87½ per cent. payable both by the landlords and the tenants and the balance 12½ per cent. by the Government.

Rai MANMATHA NATH BOSE Bahadur: Will the Hon'ble Minister be pleased to state how the people are benefited by the settlement operations?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, they will be benefited in so far as they will have a correct record-of-rights.

Rai MANMATHA NATH BOSE Bahadur: Will the Hon'ble Minister be pleased to state whether the Government contemplate to go on with the settlement operations in Midnapore without even consulting the representatives of the people who are to be found in the two legislatures.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is a provision made in the budget for the Midnapore settlement operations and if that provision is granted by the legislature, Government will assume that the proposal has been sanctioned by the legislature.

Contribution towards maintenance of roads, etc.

66. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether merchants, traders, money-lenders and any other professional men pay any contribution towards maintenance of roads and other works of communication?

(*b*) If not, will the Hon'ble Minister state whether contributions for construction and maintenance of roads are made only by landowners and agriculturists?

(*c*) Is the Hon'ble Minister considering the desirability of imposing a tax on all such merchants, traders, money-lenders and other professional men as contribution towards works of communication?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Kasimbazar): (*a*) Yes, if they own or hire motor vehicles.

(*b*) Does not arise.

(*c*) No.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether the landlords and the agriculturists who own or hire motor vehicles do not pay motor tax in addition to the road cess which they have to pay?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Yes.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether professional men and businessmen pay any tax analogous to the road cess paid by landlords and tenants in addition to the motor tax which has to be paid by all who own or hire motor cars and also whether landlords and agriculturists are professional men?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I am not aware of that.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether an embankment is a road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I do not think that it arises out of this question.

Bengal Government Press, Alipore.

67. Mr. LATAFAT HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement relating to the Bengal Government Press, Alipore, showing—

(*i*) the names of the apprentices with the dates of appointments against each;

(*ii*) the number of vacancies filled up by the apprentices with the designations of their posts and the dates of their appointments; and

(*iii*) the reasons for not filling up these vacancies by the retrenched employees of the Press?

(*b*) Will the Hon'ble Minister also be pleased to state why the system of recruiting apprentices with allowances of Rs. 30 or Rs. 45 per month has been introduced in the Bengal Government Press?

(c) Will the Hon'ble Minister be pleased to state if he proposes to discontinue the system forthwith?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (a), (i) and (ii) Two statements giving the particulars required have been laid on the Library table.

(iii) I am informed that the claims of retrenched employees were considered, but that others were preferred as they were better fitted to be made apprentices.

(b) The apprentice system was introduced in order to give young men of some education an opportunity of training themselves for the printing profession in general and for promotion to responsible posts in the Government Press in particular.

(c) No.

68. Mr. LATAFAT HOSSAIN: (a) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact that in the Bengal Government Press—

(i) the posts of Section-holder, Assistant Section-holder and Lino Operator, etc., are given to the apprentices and the junior persons in preference to those who are expert in these lines, and are senior in service;

(ii) injury leave is not allowed to workmen who receive injury while working on the machine;

(iii) new hands are frequently appointed overlooking the claims of retrenched hands; and

(iv) many employees are not made permanent even at the end of 10 or 12 years of good service; while there are others who are made permanent in a year or two?

(b) If the answers to (a) (i) to (iv) be in the affirmative, will the Hon'ble Minister be pleased to state the reasons for such action?

(c) What steps are the Government going to take in such cases?

(d) Will the Hon'ble Minister be pleased to state whether any account regarding the sale of old machines and purchase of new ones by the authorities of the Bengal Government Press are available?

(e) If so, what was the amount of commission realised on such purchases as is granted by the dealers in machineries to any purchasers?

The Hon'ble Mr. NALINI RANJAN SARKER: (a) (i) I understand that in making promotions to all supervising posts consideration is given not merely to a man's seniority or to his efficiency in the line in which he is working but also to his general fitness to supervise, and

that there have, in consequence been a number of cases in which apprentices have been promoted above men who are senior to them in age. This, I am informed, is never done without first seriously considering the claims of the senior men.

(*ii*) My information is that injury leave is not refused unless the injury is due to the employee's own carelessness or breach of rules.

(*iii*) I am informed that some retrenched hands have been refused re-employment because their previous service was not satisfactory.

(*iv*) I gather that the hon'ble member is referring to the difference between the Piece Establishment and the Salaried Establishment. In the latter recruits are made permanent after the usual period of probation, namely, 2 years. The former establishment is divided into two parts, one is permanent and the other (called the "extra piece establishment") is temporary. It takes anything from 7 to 10 years for a man to pass from the "extra" to the "permanent" piece establishment.

(*b*) and (*c*) I see nothing to take exception to in the facts stated above and do not contemplate taking any action regarding them.

(*d*) Yes.

(*e*) I am informed that no commission has been given by the dealers supplying machinery to the Press.

Mr. HUMAYUN KABIR: With regard to answer (*a*) (*iii*), will the Hon'ble Minister please state if a record of the services of these men is kept?

The Hon'ble Mr. NALINI RANJAN SARKER: I think, Sir, a record is kept, but I am not quite sure.

Mr. HUMAYUN KABIR: With regard to answer (*a*) (*iv*), will the Hon'ble Minister in charge be pleased to state what is the reason for this unusually long time for a man to pass from the temporary to the permanent establishment?

The Hon'ble Mr. NALINI RANJAN SARKER: Just at present, Sir, I am unable to answer this question, as I have not looked into the matter.

Mr. HUMAYUN KABIR: With reference to answer (*e*), will the Hon'ble Minister in charge be pleased to state what is the source of his information that no commission has been given by the dealers supplying machinery to the Press?

The Hon'ble Mr. NALINI RANJAN SARKER: The records.

Hindu-Moslem tension in Pabna.

69. Rai SURENDRA NARAYAN SINHA Bahadur: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether acts of oppression have been committed upon the Hindus by the Moslems in the district of Pabna;

(*b*) whether it is a fact that telegrams and appeals were sent to His Excellency the Governor and the Ministers in this connection; and

(*c*) if the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state what steps have so far been taken in the matter?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) I understand the hon'ble member refers to certain alleged cases of desecration of Hindu images which have occurred in the district of Pabna. I am aware of these allegations.

(*b*) Yes.

(*c*) Every case reported to the local authorities has been fully investigated and in three cases where evidence appeared to be sufficient charge sheets were submitted. The local officers have also obtained the co-operation of the leading members of both communities in the areas in which these incidents have taken place. Every case reported is promptly investigated and if evidence is forthcoming action is taken in accordance with the provisions of law.

Mr. LALIT CHANDRA DAS: May I have your permission, Sir, to put the question No. 70 which stands in the name of Mr. Hamidul Huq Chowdhury?

Mr. PRESIDENT: Yes.

State-Aid to Industries grants.

70. Mr. LALIT CHANDRA DAS (on behalf of Mr. Hamidul Huq Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state the amount of the total grants-in-aid given under the Bengal State-Aid to Industries Act, 1931?

(*b*) The number of the applications for grants-in-aid received year by year from the passing of the Act?

(*c*) The total amount of the fund created under the Act lying idle with the Government?

(*d*) If any application for grants-in-aid has been granted; if so, (*i*) name of such applicant and (*ii*) total amount distributed?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT: (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Amount of loans given—Rs. 63,175, and amount of cash credit guaranteed—Rs. 25,000.

(*b*) 1933-34 (viz., the year in which the Act was put into operation)	9
1934-35	41
1935-36	28
1936-37	42
1937-38 (up to June, 1937)	4
	124

(*c*) The fund was created with Rs. 56,866 and the balance now lying at the credit of the fund is Rs. 5,480.

(*d*) A statement furnishing the information asked for is laid on the Library table.

Mr. LALIT CHANDRA DAS: With reference to answer (*c*) may I know whether any contribution was made by the Government?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I require notice of this question.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether there is any machinery to enquire before any grant is made as to whom and for what amount the grant is to be made?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It is done by the Board of Industries.

Mr. KAMINI KUMAR DUTTA: Is any record kept of the result of the enquiry made?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state if reports are taken as to the progress of the particular business or particular trade for which the grant is made?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot say off hand, I want notice.

Livestock Expert to Government.

71. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state the qualifications, salary and terms of appointment of the Livestock Expert to the Government of Bengal?

(*b*) Whether the present incumbent of the post was appointed for a term of 5 years from the 2nd March, 1927, as an officer under special rates of pay?

(*c*) If so, whether he was asked to train any officer under him in his own line of work?

(*d*) Whether he has done so?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Mr. F. J. Gossip, the present incumbent of the post of Livestock Expert to the Government of Bengal was the Assistant Imperial Dairy Expert to the Government of India and had officiated as Imperial Dairy Expert. He had had over 16 years' experience in the Imperial Department of Agriculture, was in charge of the Pedigree Indian Cattle Farm at Karnal, was closely associated for many years with Mr. W. Smith, Imperial Dairy Expert, and Colonel Matson in the improvement of Indian cattle and is acknowledged to be one of the best judges of cattle in India. The scale of pay fixed for Mr. Gossip while holding the post was Rs. 1,000—50—1,250. The post of Livestock Expert was originally classified as a "special" post. It is now a permanent and pensionable post in the Bengal General Service.

(*b*) The services of Mr. Gossip were lent to the Government of Bengal by the Government of India for 3 years with effect from the 2nd March, 1927, on a fixed salary of Rs. 1,000 per mensem. In 1928 the Government of Bengal realised the necessity for making permanent the post of Livestock Expert and accordingly Mr. Gossip was appointed to the post permanently with effect from the 2nd March, 1928, on the scale of pay mentioned above.

(*c*) Mr. Gossip was not asked to train any officer under him in his own line of work.

(*d*) Does not arise; but proposals to recruit an Assistant to the Livestock Expert are under consideration.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state if Mr. Gossip has got any agricultural degree of any recognised university?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: He may have, but I require notice. I cannot say off hand.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state whether Mr. Gossip held a post at Bangalore on Rs. 200 before his appointment under the Government of Bengal?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have no information.

Mr. KAMINI KUMAR DUTTA: When Mr. Gossip was first taken in as an expert, was it not on the understanding that he should hold the post temporarily and give training to an assistant?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I do not think that the statement is correct: Mr. Gossip was taken on a temporary basis but Government thought, as he was an expert, he should be made permanent. Therefore the question did not arise in regard to the training of others.

Mr. LALIT CHANDRA DAS: In the proposal for recruiting an Assistant to the Livestock Expert, will the Hon'ble Minister in charge be pleased to inform the House whether a qualified Bengalee, if available, will be recruited?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It is my desire as far as possible that a Bengalee should be appointed if suitable.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to say if Mr. Gossip has any veterinary training?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Most certainly he has.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it a fact that because he has no veterinary training, a veterinary sub-assistant surgeon has been appointed to look after cattle at the Dacca farm?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: He has veterinary training.

Mr. LALIT CHANDRA DAS: Do not the Government consider that the high pay of Mr. Gossip is in direct contrast with the intensive poverty of the people?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: This is a matter of opinion.

Mr. KAMINI KUMAR DUTTA: May I enquire from the Hon'ble Minister if it is not a fact which at least is known to him that Mr. Gossip was originally in the Army and not in the Civil Department at all?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if it is a fact that the Deputy Director of Agriculture was in charge of the Livestock before the appointment of Mr. Gossip?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to say what exactly are the grounds for making Mr. Gossip permanent?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot say: this was made by the old Government.

Female political prisoners.

72. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if female political prisoners are scattered in different jails of Bengal?

(*b*) Is it a fact that sometimes a female prisoner is kept without any companion in a jail ward?

(*c*) Is it a fact that they all belong to middle class *bhadralog* families?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Female prisoners are kept in different jails according to administrative convenience.

(*b*) No.

(*c*) They belong to *bhadralog* families, but they have not all been deemed to have been accustomed to the same mode of living.

Summer exodus.

73. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state which officers of the Government are entitled to go to Darjeeling during the summer exodus?

(*b*) Will the Hon'ble Minister be pleased to state the amounts of travelling and daily allowances drawn by each of the eleven Ministers, the President of the Legislative Council, the Speaker of the Legislative Assembly and the several Secretaries of the various departments during the first trip of this year.

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) how many times each of the officers mentioned above visited Darjeeling; and

(*ii*) how many days each of them stayed there during the first trip of this year?

(*d*) Do the officers mentioned above propose to go to Darjeeling again during the next autumn? If so, for how many days?

(*e*) What are the principles and rules that govern the question of the Hill Exodus?

(*f*) What will be the amount of money saved if the Hill Exodus is stopped?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) A statement is laid on the table.

(*b*) and (*c*) Two statements giving the information required are laid on the Library table.

(*d*) The matter is under consideration.

(*e*) The practice hitherto has been as follows:—

(*i*) Government make two trips to Darjeeling covering in all a period of four months.

(*ii*) In addition to the members of Government, the Member of the Board of Revenue, the Secretaries to Government and

the Deputy Secretary or Under Secretary in the Home Department, with a skeleton clerical staff to deal with urgent matters, go up on these trips as a matter of course. These all travel up and down at Government expense except the Member of the Board of Revenue, who goes at his own expense. None of these draws any halting allowance in Darjeeling.

(*iii*) Other officers in the Secretariat go up only when summoned for special work requiring their presence. When so summoned, they draw both travelling and halting allowances.

(*iv*) Heads of departments do not accompany Government to Darjeeling, but they may be summoned by Government should their presence be required for the despatch of any particular business. When so summoned, they draw both travelling and halting allowances. With the permission, however, of the Hon'ble Minister concerned, they may each spend six weeks in Darjeeling in one or more visits at their own expense taking a tour clerk at Government expense.

(*f*) It is impossible to give a very precise estimate, because there are numbers of unknown factors. I do not yet know, for instance, the size of the personnel which the reformed Government would require to take with it on visits to Darjeeling. From such data as we possess, I think that about 85 thousand rupees per annum would be a fair estimate of the cost of two trips covering a period of 4 months in all and following the practices outlined in my reply to part (*e*) of this question.

Statement referred to in the answer to clause (a) of the question No. 73, regarding list of officials and others entitled to go to Darjeeling when it is the headquarters of Government.

1. The Hon'ble Ministers.
2. The Hon'ble the President, Legislative Council.
3. The Hon'ble the Speaker, Legislative Assembly.
4. The Secretaries to Government.
5. The Under-Secretary or the Deputy Secretary in the Home (Political) Department.
6. The Secretary, Legislative Council Department (at his own expense for a total period of six weeks in the year).
7. The Secretary, Legislative Assembly Department (at his own expense for a total period of six weeks in the year).
8. The Member, Board of Revenue (at his own expense).

The following heads of departments are allowed, with the permission of the Hon'ble Minister concerned, to spend six weeks in Darjeeling in one or more visits, at their own expense:—

1. The Commissioner of Excise and Salt.
2. The Director of Agriculture.
3. The Director of Land Records.
4. The Director of Public Health.
5. The Director of Public Instruction.
6. The Inspector-General of Police.
7. The Inspector-General of Prisons.
8. The Inspector-General of Registration.
9. The Registrar, Co-operative Societies.
10. The Superintendent and Remembrancer of Legal Affairs.
11. The Surgeon-General with the Government of Bengal.
12. The Chief Engineer, Communications and Buildings.
13. The Chief Engineer, Irrigation.

Rai SURENDRA NARAYAN SINHA Bahadur: Will the Hon'ble Minister be pleased to say whether the ministerial officers do draw motor charge for going from Siliguri to Darjeeling?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, they do.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether the term "expense" in answer (*e*) (*ii*) in this question refers to travelling expenses as well?

The Hon'ble Mr. NALINI RANJAN SARKER: It includes all expenses.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, Kt., of Santosh: May I enquire of the Hon'ble Minister why he is so unkind to the Member of the Board of Revenue?

The Hon'ble Mr. NALINI RANJAN SARKER: I have not considered it yet but that was the practice of the old Government.

Khan Bahadur ATAUR RAHMAN: With reference to answer (*e*) (*iii*), will the Hon'ble Minister be pleased to say whether the expense for other officers when summoned to go and the huge expense of taking *dak* are included in the estimate of expenditure?

The Hon'ble Mr. NALINI RANJAN SARKER: All expenses are included on the basis of the last trip.

Trade Unions.

74. Mr. LATAFAT HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state for what purposes can a *bona fide* trade union be formed and if it is confined only to industrial and provident concerns?

(*b*) Do the members of the Burrabazar Sramik Mandal and the Howrah Sramik Sangha belong to any industrial concerns?

(*c*) Do these organisations exist only for political purposes?

(*d*) If the answers to (*b*) be in the negative and to (*c*) in the affirmative, why were these unions recognised by Government at all?

(*e*) Will the Hon'ble Minister be pleased to state whether Government are considering the desirability of disaffiliating these unions?

(*f*) If not, why not?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The purposes for which a trade union can be formed are enumerated under the definition of "Trade Union" in clause (*h*) of section 2 of the Indian Trade Unions Act of 1926.

A trade union is not confined only to industrial and provident concerns.

(*b*) and (*c*) I have no information.

(*d*) The Howrah Sramik Sangha applied to the Trade Union Constituencies Tribunal for a certificate of recognition under the provisions of paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936. A certificate was granted in the case of the Howrah Sramik Sangha. The list of certificates granted by the Tribunal does not contain the name of the Burrabazar Sramik Mandal. A similar certificate was granted to the Calcutta Sramik Mandal, to which possibly the hon'ble member is referring in his question.

(*e*) No.

(*f*) Does not arise.

Calcutta Tramway Workers' Union.

75. Mr. LATAFAT HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether the Calcutta Tramway Workers' Union recognised by Government contains any Tramway employees?

(*b*) Have the names of the members been verified by the Calcutta Tramway Company?

(*c*) If the answer to (*b*) be in the affirmative, what is the result of that enquiry?

(*d*) Are the Government considering the desirability of cancelling its recognition if it is not a *bona-fide* union?

(*e*) If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) The union was granted a certificate of recognition by the Trade Union Constituencies Tribunal for the purposes of the Government of India Act. I have no information if the union includes amongst its members any Tramway employees.

(*b*) I have no information.

(*c*) Does not arise.

(*d*) No.

(*e*) No occasion for doing so has yet arisen.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware of the fact that the President of the Tribunal did not consider any objections that were lodged before him regarding the *bona fide* of this particular union?

The Hon'ble Mr. H. S. SUHRAWARDY: As to what the President of the Tribunal did or did not, it is not for me to say. I have no knowledge or information.

Working of the Payment of Wages Act.

76. Mr. LATAFAT HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether a large number of the employers have disobeyed the provisions of the Payment of Wages Act?

(*b*) If so, has the Chief Inspector of Factories taken any steps against the delinquents?

(*c*) If not, why not?

(*d*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state whether the Chief Inspector of Factories has started any prosecution against such employers under the Payment of Wages Act?

(*e*) Will the Hon'ble Minister be also pleased to state—

(*i*) the names of the employers who have transgressed the provision of Payment of Wages Act; and

(*ii*) the number of prosecutions made?

(*f*) If the answer to (*d*) be in the negative, will the Hon'ble Minister be pleased to state whether he proposes to take any action against them?

(*g*) If so, when?

(*h*) If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) I have no information as to whether a large number of employers have disobeyed the provisions of the Payment of Wages Act. As far as I am aware the majority of factory managements are doing their best to comply with the Act and Rules; and have actually done so. Some of the smaller industrial concerns find it difficult to adapt themselves to the new law, and to arrange for finance within the period required by the Act; but I am not aware that any of them are wilfully negligent, and they are complying increasingly with the provisions of the Act and changing their systems of payment as quickly as possible.

(*b*) Where infringements of the Act have been detected by the Inspectors of Factories or complaints have been made every effort has been made to induce the employer to rectify the grievances with satisfactory results. Advice is given to aggrieved workers as well as every assistance to enable them to present a proper petition to the authority under the Act for necessary action.

(*c*) Does not arise

(*d*), (*f*) to (*h*) No prosecutions have been started as yet partly owing to the reasons given in (*a*) and partly due to inadequacy of staff. It has not been possible to undertake special investigations and the other work which would be necessary in connection with legal proceedings. In my opinion prosecutions should only be adopted when other means of getting the employer to obey the provisions of the Act have failed.

(*e*) (*i*) The officers of the Factory Department, who are also Inspectors for the purposes of the Payment of Wages Act, are doing their best to ensure smooth working of the Act, but are heavily handicapped by insufficiency of staff.

(*ii*) Nil.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister considering the question of increasing the staff of the Factory Department to cope with the additional burden imposed by the Payment of Wages Act?

The Hon'ble Mr. H. S. SUHRAWARDY: That is a request for action. I am certainly looking into the question whether the staff is to be increased or not.

Post-graduate Research Scholarships.

77. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the grant of Government research scholarships to post-graduate students is subject to the condition that the results of the researches are not to be published?

(*b*) If the answer to (*a*) be in the negative, will the Hon'ble Minister state the number of such theses that have been published by such Government scholars as a result of their research?

(*c*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister consider the desirability of the immediate abolition of such a condition?

MINISTER in charge of EDUCATION DEPARTMENT: (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No.

(*b*) Papers are published by the scholars themselves in recognised journals, Indian or foreign.

(*c*) Does not arise.

Mr. KAMINI KUMAR DUTTA: Does the Government make any profitable use of the results of researches?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a matter of opinion, Sir.

78. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the grant of Government research scholarships to post-graduate students is subject to the condition that the results of the researches are not to be published?

(*b*) If the answer to (*a*) be in the negative, will the Hon'ble Minister state the number of such theses that have been published by such Government scholars as a result of their research?

(c) If the answer to (a) be in the affirmative, will the Hon'ble Minister consider the desirability of the immediate abolition of such a condition?

The Hon'ble Mr. A. K. FAZLUL HUQ: The member is referred to the answers given to question No. 77 of Mr. Humayun Kabir asked in this session.

Hill Exoduses.

79. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(a) what was the annual expenditure involved in the summer and autumn exoduses to the hills respectively for the last five years;

(b) which officers of the Secretariat were included in such exoduses;

(c) which additional officers, if any, were included in the summer exodus of this year;

(d) for what reasons were the additional officers required to go to the hills this year; and

(e) what was the cost of the summer exodus this year?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, with your permission, I propose to answer questions 79 and 80 together, as they are identical.

(a) The recorded expenditure involved in the summer and autumn exoduses to the hills for the last five years was as follows:—

Year.	Summer exodus.	Autumn exodus.	Total.
1932	..	..	73,044
1933	33,649	25,749	59,398
1934	32,117	25,382	57,499
1935	33,316	26,970	60,286
1936	35,757	32,568	68,325

(b) A statement is laid on the Library table.

(c) and (d) A statement is laid on the Library table.

(e) About Rs. 46,000.

Mr. LALIT CHANDRA DAS: Considering the amount of Rs. 46,000 which was spent on exodus this Summer, will the Hon'ble Minister consider the desirability of giving up the Autumn exodus?

The Hon'ble Mr. NALINI RANJAN SARKER: As I have already said in answer to the question put by Rai Surendra Narayan Sinha Bahadur, it is under consideration of Government.

80. Mr. MESBAHUDDIN AHMED: (*Vide* question No. 79 and the answer.)

Post-graduate Research Scholarships.

81. Mr. MESBAHUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the grant of Government research scholarships to post-graduate students is subject to the condition that the results of the researches are not to be published?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister consider the desirability of the immediate abolition of such a condition?

(*c*) If the answer to (*a*) be in the negative, will the Hon'ble Minister state the number of theses that have been published by such Government scholars as a result of their research?

The Hon'ble Mr. A. K. FAZLUL HUQ: The hon'ble member is referred to the answers given to question No. 77 of Mr. Humayun Kabir asked in this session.

Hunger-strike by detenus.

82. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many political detenus have gone on hunger strike in course of the last 12 months;

(*b*) how many of them have turned insane in Deoli, Hijli and other jails; and

(*c*) how many of them died in jail or soon after their release?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) 21.

(*b*) 2 persons during the last 12 months.

(*c*) One detenu has died in jail during the last twelve months. I do not know how many persons have died after release from detention.

Mr. NARESH NATH MOOKERJEE: With regard to answer (*b*), will the Hon'ble Minister be pleased to state as to whether these people were insane before they were taken in detention?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Dr. RADHA KUMUD MOOKERJI: With reference to question 82 (*a*), I desire to know whether the Hon'ble Minister in charge of the Department investigated the grievances which led up to the hunger-strike?

The Hon'ble Khwaja Sir NAZIMUDDIN: That was long before I took charge of office.

Mr. LALIT CHANDRA DAS: With regard to answer (*c*), what did the detenu die of?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid I cannot say that!

Mr. LALIT CHANDRA DAS: Did he die by suicide?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Female detenus.

83. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Has the attention of the Hon'ble Minister in charge of the Home Department been drawn to the fact that female detenus and prisoners are now scattered in different district jails?

(*b*) If so, will the Hon'ble Minister be pleased to state what facilities for the treatment of female diseases are available in those district jails?

(*c*) Is the Hon'ble Minister considering the desirability of placing all the female political prisoners and detenus in a central jail near-about Calcutta where they may have proper treatment in case of illness under lady doctors, if necessary?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) The advice of the medical staff of the jail and the civil-surgeon of the district concerned is available.

(*c*) No.

Percentage of admission for Muslim students.

84. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Hamidul Huq Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the percentage of admissions fixed for Muslim students to different public educational institutions causes great hardships to the students belonging to the community?

(*b*) Is it a fact that these percentages are interpreted as maximum percentages of seats available to students belonging to the Muslim community?

(*c*) If so, will the Hon'ble Minister consider the desirability of raising the percentage for Muslim students to 60 per cent.?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) I am not aware, though I admit the possibility, of hardships to Muslim students in the matter of admissions. I shall be obliged if the hon'ble member were to furnish specific cases of hardship.

(*b*) These percentages are the minimum and not the maximum.

(*c*) It is a request for action and hardly admissible as a question, but I shall nevertheless look into the matter.

Mr. PRESIDENT: With regard to the observation of the Hon'ble the Chief Minister contained in answer 84 (*c*), I can tell the Hon'ble Minister that if the question appeared to him not to be in order, he should have informed me beforehand without making a statement to that effect in the House. I cannot allow this sort of objection being made on the floor of the House. The procedure is that I always send a copy of a question to the Hon'ble Minister in charge of the administrative department concerned and he has every right to draw my attention, if there is any objection to answer a question, or if there is any infringement of rules.

Political prisoners in Andamans.

85. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what is the percentage of political prisoners as compared with the rest of political prisoners in the Andamans who are under medical observation?

(*b*) Will the Hon'ble Minister give statements of the diseases with which the political prisoners are now suffering, stating—

(*i*) the number of prisoners suffering from each particular disease;

(*ii*) period of suffering; and

(*iii*) the number of perfectly cured prisoners?

(c) Will the Hon'ble Minister be pleased to state whether it is a fact that the following prisoners are suffering from acute heart-disease:—Sudhin Roy, Sudhin Bhattacharjee, Ganesh Ghose, Ranadhir Dasgupta, Jogeswar Das, Bhola Ray, Sudhir Samajdar, Hemendra Nath Chakravarty, Gouri Sankar Dobey, Rampratam Sinha, Suresh Das, Naren Das, Poresh Dey, Sashindra Chakravarty, Sambhu Nath Ajad, Sunil Chatterjee, Kalipada Bhattacharjee, Keshab Samajdar, Keshab Prosad, Batukeshwar Dutt, Phani Das Gupta and Bhupesh Banerjee?

(d) Will the Hon'ble Minister further state whether it is a fact that Jogeswar Das is suffering from chronic blood dysentery?

(e) Has he been lying in the hospital for over five months?

(f) Is the Hon'ble Minister considering the desirability of repatriating them on account of health?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) to (e) The jail is under the administrative control of the Government of India, and I am therefore not in a position to give the hon'ble member the information desired by him.

(f) Convicts are frequently repatriated by the administration on medical grounds.

Farming and fodder problems.

86. Mr. KAMINI KUMAR DUTTA: (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what actions have been taken in the matter of farming, grazing and fodder problems of cattle in Bengal?

(b) Whether the Government contemplate to take any further action in these matters?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) The hon'ble member is referred to the Annual Reports of the Agriculture Department and the Press Notes that have been issued from time to time. Cattle improvement schemes are in operation in ten districts and include measures for the encouragement of a better fodder supply. The department has undertaken propaganda and demonstration to popularise the growing of fodder crops, especially Napier grass and the introduction of silage making.

(b) I propose to continue the efforts in this direction and to extend the cattle improvement schemes to new districts as rapidly as possible. Other important measures for the improvement of animal husbandry are under consideration and I hope to be in a position to announce the general outline of the schemes proposed at an early date.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is the Hon'ble Minister aware that the staff employed in the interior of the districts for administrative purposes is inadequate?

Mr. PRESIDENT: That is a matter of opinion.

Mr. KAMINI KUMAR DUTTA: What are the ten districts where the cattle improvement scheme is in operation?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Grievances of the industrial employees of the Calcutta University Press.

87. Mr. NARESH NATH MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he received the memorial from the industrial employees of the Calcutta University Press submitted on the 7th July, 1937, through the Hon'ble the Vice-Chancellor, Calcutta University, setting forth several long-standing grievances of the said employees?

(*b*) If so, will the Hon'ble Minister lay on the table a copy of the memorial?

(*c*) Will the Hon'ble Minister state whether he is considering the desirability of taking immediate action in the matter?

(*d*) If not, what is the reason thereof?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) I have received a copy of a memorial direct.

(*b*) A copy of the memorial is placed on the Library table.

(*c*) The University authorities have been asked for a report.

(*d*) Does not arise.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is it not a fact that the Registrar of the Calcutta University has abused and insulted the Press workers for submitting the memorial and will the Hon'ble Minister be pleased to make an enquiry?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of that, but certainly I will make an enquiry.

Bhati area in Mymensingh.

88. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether a huge area of East Kishoreganj and East Netrakona of Mymensingh district known as *bhati* area is very badly affected by flood?

(*b*) If so, has it resulted in the abject poverty of the cultivators of these areas?

(*c*) Are the Government taking steps—

(*i*) to have early enquiries made by sending out Agricultural Engineers and other experts for finding out ways and means for protecting the crops of the area from the devastating effects of flood; or

(*ii*) to submit definite schemes for converting the whole area into *rabi* producing area.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The area referred to is part of the spill area of the Meghna and Ghurantra rivers and is subject to annual inundation. There has been no unusual flood this year but some damage to jute and *aus* was caused by a sudden rise in these rivers in June.

(*b*) Government have no such information.

(*c*) Enquiries were previously made by the Irrigation Department, and Government have been advised that the area should be left to nature for reclamation in course of time.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Has any enquiry been made as to whether *Boro* crops could be substituted for *Aman* crops in this area by the installation of electric pumps?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice of this question.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister prepared to consider the desirability of having such an enquiry made?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Khan Bahadur ATAUR RAHMAN: May I know whether this flood is due to the new railways constructed by the A. B. Railway in Kishoreganj or is it due to any other cause or causes?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Recognition of trade unions.

89. Mr. LATAFAT HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether the fulfilment of the conditions as laid down in sub-paragraph 2 of paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936, is necessary before any trade union is recognised by Government?

(*b*) Did the All-Bengal Press Workers' Union fulfill these conditions before it was recognised by Government?

(*c*) Will the Hon'ble Minister be pleased to mention—

(*i*) the date when the said union actually came into existence; and

(*ii*) the date when it applied for recognition?

(*d*) Did it complete two years of its existence before it applied for the certificate of recognition to the Tribunal specially appointed for the purpose of granting certificates to *bona fide* trade unions?

(*e*) (*i*) Did it submit a statement of its accounts before the Registrar of Trade Unions at the time of its application for registration?

(*ii*) Was the union existing as a registered trade union and for the period as required by law at the time of its application for registration?

(*f*) If the answers to (*b*) to (*e*) be in the negative, will the Hon'ble Minister be pleased to state why the Tribunal recognised such a union?

(*g*) Will the Hon'ble Minister be further pleased to state if the authorities of the All-Bengal Press Workers' Union actually submitted two different statements as to the period of existence, one to the Registrar and the other to the Tribunal?

(*h*) If the answer to (*g*) be in the affirmative, will the Hon'ble Minister be pleased to state, what steps have been taken against it?

(*i*) If no steps have been taken, what is the reason?

(*j*) Are the Government considering the desirability of taking any legal action?

(*k*) If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Such a fulfilment of conditions is necessary before any trade union will be granted a certificate of recognition for franchise purposes.

(*b*) and (*f*) The Governor in Council who was then responsible was guided by the advice of the Trade Union Constituencies Tribunal who were evidently satisfied that the conditions had been complied with.

(*c*) (*i*) and (*ii*) I have no information other than it appears that the union had been in existence for less than a year previous to its application for registration, viz., 21st December, 1934.

(*d*) I have no information.

(*e*) (*i*) No statement was submitted as the Union had been in existence for less than a year previous to its date of application and hence no such statement was due.

(*ii*) I regret I am unable to follow the question.

(*g*) I have no information as to what statement was submitted to the Tribunal.

(*h*) to (*k*) So far as concerns the past election, the matter is one in which the present executive Government have no power to take action.

Bengal Trade Union Federation.

90. Mr. LATAFAT HOSSAIN: (*a*) Did the Hon'ble Minister in charge of the Commerce and Labour Department receive any telegram, dated the 15th May, 1937, from the President, Bengal Trade Union Federation?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state what was the contents of it?

(*c*) Did the Hon'ble Minister also receive a memorandum, dated the 15th June, 1937, submitted by the Engineering and General Workers' Union through the Chief Inspector of Factories? If so, what was its contents?

(*d*) Will the Hon'ble Minister be pleased to state if he received a letter, from the Secretary, General and Engineering Workers' Union, through the Chief Inspector of Factories, containing allegations against the Chief Inspector of Factories in regard to his negligence of duty in not enforcing the provisions of the Payment of Wages Act?

(*e*) If so, will the Hon'ble Minister be pleased to state what action, if any, has been taken upon the said memorandum and letter?

(*f*) If no action has been taken are the Government contemplating to take any?

(*g*) If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) It complained that certain factories had not paid the previous month's salary to their employees; that the Chief Inspector of Factories had been repeatedly reminded but no action had been taken; that the

employers were not recognising the Payment of Wages Act; and that unnecessary fines were creating discontent. It requested that the Chief Inspector should be ordered to take immediate action.

(*c*) Yes. It is dated the 5th June, 1937, and not the 15th June, 1937.

In this memorandum the following demands were made:—

(*i*) There should be constituted a works committee in every factory as there is one in the Government of India Press.

(*ii*) The same class of workers in each factory should receive similar wages.

(*iii*) The workers should be granted one month's leave and there should be provisions for maternity benefit for female workers.

(*iv*) Each worker should be paid all his dues before he is discharged, and there must be a month's notice before the said discharge is effected.

(*v*) The system of provident fund should be established in each factory for the benefit of workers.

(*vi*) Bribery and similar other evils should be rooted out.

(*vii*) The contract and *sardar* system should be abolished.

(*viii*) There should be an arrangement for occasional health examination of the workers by qualified doctors engaged by the employers.

(*ix*) Measures should be adopted for the prevention of occupational diseases.

(*x*) The existing labour legislations should be strictly enforced.

(*xi*) Fines on workers should be imposed only after consultation with the unions.

(*xii*) The trade unions which are engaged in constitutional activities should be recognised by the Government and the employers.

(*d*) Yes.

(*e*) The employees aggrieved were requested to apply to the authority under the Payment of Wages Act for direction against their employers, and were advised that they would be given every advice and assistance. It was open also to the Trade Union to make the requisite application.

(*f*) and (*g*) Do not arise.

Deaths by electrocution.

91. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether the attention of Government has been drawn to the following deaths by electrocution, namely:—

(*i*) of Mr. Mohini Mohan Ghosal, of Kasba, Ballygunge, on the 18th May, 1937;

(*ii*) of Mr. Probhat Kumar Sen Gupta, son of Mr. Srish Kamal Sen Gupta, of 1/2B, Dehi Serampore Road, Ballygunge, on the 21st October, 1936; and

(*iii*) of Mr. Ramkrishna Ghose, of 20A, Prince Golam Mahammed Road, Ballygunge, on the 21st February, 1935?

(*b*) Is it a fact that all these cases of death were due to the use of the alternating-current system in these areas as opposed to the direct-current system used in Calcutta?

(*c*) If so, what actions have been taken to prevent recurrences in future?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) The only electrical supply in this area is alternating-current and inasmuch as the deaths were due to electricity they may be said to be due to alternating-current the only available kind.

(*c*) It is not possible for Government to take any action to prevent totally the occurrence of accidents, which may be due to several causes, such as misadventure, negligence, faulty installations, leaky apparatus, etc. To minimise accidents Government have brought rule 48 of the Indian Electricity Rules, 1937, into force in several districts and have framed rules for the periodical inspection of Electrical Works in the province. Facilities have also been provided for the services of Electric Inspectors for inspecting and testing installations at a low charge. I also propose circularising consumers with a list of precautions that they should take in connection with their electric supply to minimise the risk of accident. I would like to add that it is difficult to reduce the number of accidents unless consumers make a genuine attempt to co-operate by insisting on good work when an installation is first fitted, and maintaining it properly and having it tested periodically.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state, considering the dangers and fatality incidental to alternating-current, whether Government contemplate discouraging the grant of licences to distributors who distribute alternating-current?

The Hon'ble Mr. H. S. SUHRAWARDY: Practically all the applications that are made, are for alternating current. Alternating current is displacing direct current throughout the world. The hon'ble member might perhaps know that it is only in the Ballygunge area that these incidents have occurred. There is no complaint against alternating-current in any other part of Bengal.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Is the Hon'ble Minister in charge aware that in Western countries where alternating-current prevails, the voltage is 110 and not 220, as in Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not so aware.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Is the Hon'ble Minister in charge aware that 220 volts is more dangerous than 110 volts?

The Hon'ble Mr. H. S. SUHRAWARDY: Well, Sir, that is axiomatic.

Mr. KAMINI KUMAR DUTTA: Is the Hon'ble Minister in charge aware that alternating-current is produced at a cheaper cost than the direct current, but that the charge is the same for both classes of consumers?

The Hon'ble Mr. H. S. SUHRAWARDY: In some cases it is certainly cheaper, but the cost of production depends upon the size of the factory and the area over which the current is spread. I may inform the hon'ble member that the alternative to the alternating-current is the direct current which is so costly that it will perhaps not be possible to introduce it further.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state that in future whenever an accident takes place he will have an inquiry made as to whether it is due to misadventure, negligence, faulty installation, or leakage, or any other thing, in order to enable him to understand definitely what it is due to?

The Hon'ble Mr. H. S. SUHRAWARDY: An enquiry is, as a matter of fact, always made whenever information is conveyed to Government that an accident has taken place.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Minister in charge be pleased to make an inquiry as to whether 110-volt current is used in other countries?

The Hon'ble Mr. H. S. SUHRAWARDY: I shall make that inquiry Sir. But may I in this connection add the following as this is rathe a serious matter affecting a large number of people? It is open to th consumers of alternating-current at a very small charge, to change th voltage from 220 to 110 or even less. It will cost them, I think, abou Rs. 50 for the apparatus and about Rs. 5 for installation. They ca reduce the voltage from 220 to even 50, if necessary.

Motor boat service between Apara and Lohagora.

92. Mr. NARESH NATH MOOKERJEE: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that there is a motor boat service between Apara and Lohagora in the district of Jessore?

(*b*) Is the Hon'ble Minister aware there is always a great rush of passengers between the above two and the intermediate stations, but the authorities do not care to look after the comforts of the passengers?

(*c*) Is he aware that there are no uniform rates of fare nor any uniform freights for luggage, they being arbitrarily determined by the authorities and exacted practically under threat and compulsion and that the district authorities being informed of this fact have failed to take any steps against them?

(*d*) Will the Hon'ble Minister be pleased to state if the Government under the circumstances contemplate to take any steps against the owners of the boats and if not, why not?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: (*a*) Yes.

(*b*) It is reported that there is no rush of passengers as alleged and that the comforts of the passengers are not neglected.

(*c*) There are uniform rates of fares. No charge is made for luggage. It is reported that no complaint has been made to the District Magistrate or the Subdivisional Officer.

(*d*) No, in view of the facts stated above.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister in charge kindly state if he has satisfied himself as to the authenticity of his information?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Yes, Sir.

Detention Camps.

83. **Mr. SHRISH CHANDRA CHAKRAVERTI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state separately the following particulars regarding the Deoli Detention Camp, Hijli Detention Camp and Berhampore Detention Camp:—

(*i*) the total cost of medicines kept in stock in the hospital each year since the establishment of the Camp;

(*ii*) the total cost of surgical instruments kept in stock in the hospital during the year 1936;

(*iii*) the total cost of medicines dispensed each year since the establishment of the Camp;

(*iv*) the total number of patients admitted to the hospital each year; and

(*v*) the total number of detenus to whom medicines were supplied in their wards?

(*b*) (*i*) Are patent medicines supplied to the detenus?

(*ii*) If not, what is done when proper medicines are found wanting in the hospitals?

(*c*) What is the number of detenus of each of the Camps sent outside the Camp for treatment?

(*d*) What is the average total number of detenus in each year in each of the Camps?

(*e*) (*i*) What is the number of wholetime physicians in each Camp and what are their qualifications?

(*ii*) What is the number of wholetime compounders in each Camp and what are their qualifications?

(*f*) What is the prevalent disease, if any, to which the detenus of each Camp are subjected?

(*g*) What are the special diseases, if any, to which the detenus of each Camp become subjected?

(*h*) What arrangements are made for the segregation of the patients—

(*i*) who are suspected to be suffering from tuberculosis; or

(*ii*) who have contracted any contagious disease?

(*i*) Are ordinary prisoners engaged in kitchen and hospital work thoroughly examined before they are engaged in order to ascertain whether they are free from any contagious diseases?

(*j*) What is the average cost of medical diet per head per diem?

(*k*) What is the average cost of ordinary diet per head per diem?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information desired by the hon'ble member is being obtained and will be laid on the table in due course.

Labour strikes.

94. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(1) the number of Jute Mill strikes in Bengal in course of the last three years; and

(2) the number of labour strikes in other industries in Bengal for the same period giving—

(*i*) the names of the industries affected, and

(*ii*) the names of the places where these industries are located?

(*b*) In how many cases firing was resorted to by the police?

(*c*) What steps are Government taking to prevent such strikes in future?

(No answer to this question appeared in the printed list.)

Mr. PRESIDENT: Will the Secretary please tell the House when this question was received?

SECRETARY, (Mr. K. N. Majumdar): The question was received on the 25th May, 1937, and the admitted question was sent to the administrative department on the 16th July, 1937.

Mr. PRESIDENT: I shall expect in future the Hon'ble Ministers in charge of departments to be ready with their answers on the fifteenth day from the receipt of the notice. If there is any special reason why answers are not ready on that day, they can explain the reasons therefor.

The Hon'ble Mr. H. S. SUHRAWARDY: I have taken notice of your observations, Sir.

March of troops past Muragacha High English School.

95. Dr. RADHA KUMUD MOOKERJI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that on or about the 10th February, 1937, a company of troops marched past the Muragacha High English School in Nadia district?

(*b*) Is it a fact that the boys of the said school were assembled by its authorities on the roadside under the direction of its President to salute the troops?

(*c*) If the answer to both these questions be in the affirmative, will the Hon'ble Minister be pleased to state if such an enforced salutation to the military is a salutary measure for the upbringing of the boys.

Promotion in Executive Branch, Bengal Civil Service.

96. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if some of the recent promotions to listed posts from the members of the Executive Branch of the Bengal Civil Service have caused considerable resentment and disappointment to many senior officers of that service?

(*b*) Will he be pleased to state if he proposes to consult the Public Service Commission in the matter by placing before them the character rolls of the senior officers passed over in order to ascertain whether such supersession is justified?

Rule regarding answering of questions.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, in connection with your remarks about the answering of questions, may I draw your attention to section 31 of the Bengal Legislative Council Rules and Standing Orders? It says: "Subject to the provisions of rules 15 and 13 (sections 25 and 27) as soon as answers to questions which have not been disallowed are received by the Secretary they shall be entered in a list of questions and answers to be prepared for the next day of meeting, and the questions shall be put, if the time available for

questions permits,.....", which shows that only after the answers have been received they will be included in the Questions and Answers paper.

Mr. PRESIDENT: I do not read the section in that way. If within the hour that is allotted for questions, we cannot finish them then those questions may be taken up the next day. The Hon'ble Ministers are entitled to have fifteen days' notice, and unless they permit a question to be put at short notice; no member is entitled to put a question. Similarly, it is the duty of the Hon'ble Ministers to be ready with their answers on the fifteenth day. If they cannot answer a question on the fifteenth day, they will please give reasons for that. So, I shall expect the Hon'ble Ministers to be ready with their answers unless there are very special circumstances to prevent them from doing so.

Khan Bahadur ATAUR RAHAMAN: May I know, Sir, if the answers to questions Nos. 95 and 96 are not yet ready, how is it that these questions came to be put on the paper?

Mr. PRESIDENT: Under my orders. I want all questions to be answered at fifteen days' notice, in order to ensure the right of members to have answers to their questions.

Non-official Resolution.

Mr. PRESIDENT: The House will now take up the consideration of non-official resolutions. In this connection I may say that I have just now received a notice signed by 23 members for taking a resolution out of its turn. But I am afraid that under section 100 of the Rules and Standing Orders of this Council that matter cannot be taken up.

Mr. LALIT CHANDRA DAS: Can it be taken up to-morrow, Sir?

Mr. PRESIDENT: Under section 100 (*3*), a resolution shall not have precedence under this Standing Order on any day unless the Minister concerned has received at least six days' notice, and the

members at least twenty-four hours' notice, from the Secretary, that the resolution will be given precedence on that day. I understand from the Secretary that the notice has been received only just now, so I cannot allow the resolution to be moved to-day. The House will, therefore, proceed to consider the resolutions in the same order as they appear on the agenda paper.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Sir, may I ask Dr. Mookerjee the mover of resolution No. 1 to let me know what he means by the words in brackets, viz., Agriculture and Industry?

Mr. PRESIDENT: Order, order. The resolution has not yet been moved and is, therefore, not before the House. You can raise that point when the hon'ble member has moved his resolution.

Dr. RADHA KUMUD MOOKERJI: Sir, I ask for leave to make a verbal alteration in the wording of the Resolution which you have permitted me to move. That verbal alteration would mean that the committee should consist of an equal number of members chosen from the two Houses of the Legislature with power to co-opt additional members omitting reference to the Hon'ble Minister in this connection.

Mr. PRESIDENT: I agree to the verbal alterations.

Dr. RADHA KUMUD MOOKERJI: Thank you, Sir. I beg to move: This Council declares that it is of opinion that a committee of eight members, be chosen in equal numbers from the two Houses of the Legislature, with power to co-opt additional members as experts, be formed for the purpose of the utilisation of the *hydrographic* resources of Bengal and to regulate irrigation and improve sanitation and public health, with particular reference to the following amongst other approved measures:—

(1) Flush irrigation in the alluvial portions of Bengal where the delta has been raised to the same flat level.

(2) Storage of rain water in suitable reservoirs.

(3) Construction of dams and reservoirs provided with sluice-gates and distributaries.

(4) Irrigation by electric power from rivers and tube-wells as has been done in the United Provinces.

(5) Construction of canals and cuts without dislocating the natural drainage levels.

(6) Harnessing of waterfalls for generating cheap electricity for the countryside (on the lines of the United Provinces Hydro-electric Grid system).

(7) Establishment of a river-training laboratory at headquarters.

Sir, I submit that the subject-matter of this Resolution is above all parties and politics and I hope and believe that all the members of this House will agree with me in considering the supreme urgency of what the Resolution stands for. It really concerns a factor of fundamental importance to the economic future and prospects of Bengal as a province. As we all know, the chief industry of Bengal is agriculture and considering carefully the facts and figures and statistics regarding agricultural progress and decline, one must be forced to conclude that agriculture in Bengal is declining slowly but surely. To stay the decline that is going on, the Government must have recourse to scientific planning with regard to this most important factor upon which agriculture depends. I mean the supply of water for irrigation in every possible way that has been invented by human genius. I wish to give to this House a few facts as regards the actual condition of agriculture and incidentally the condition of the vast dumb millions of our masses, who are depending on agriculture.

I found by a study of the subject that there is a serious decrease of cropped area going on all over the province, especially in Western Bengal: 45 per cent. has declined in Hooghly, 40 per cent. in Burdwan, 31 per cent. in Jessore, 14 per cent. in Murshidabad and 7 per cent. in Nadia district. Thus in all these districts of Western Bengal there is a rapid decline of agriculture and most of the soil is going out of cultivation and the cultivable area is being shrunk each time.

Now, Sir, the areas for *rabi* crops and oil seeds show alarming decrease in these districts, thousands of areas being left uncultivated. Since 1924 the total area for oil-seeds (about 10 lakhs of acres) in Bengal has not increased. Bengal has now to import from Bihar and the United Provinces her mustard and other oil-seeds. Bengal's agricultural situation has been further affected by an ill-planned rotation of crops which does not make for her proper food supply. Bengal should grow more of pulses and greens, more of *rabi* crops for their protein value, in place of restricted jute. It is however to be noted that this decline in agriculture affects the middle and West Bengal up to now. But all parts of Bengal are under the menace of a glaring natural fact, the want of hydrographic balance for the province. Dying rivers and

choked up channels are bringing drought and insanitary conditions in one part of the province, while another part is lying in terror of overflowing rivers and devastating floods. Bengal therefore has no economic future unless her rivers are controlled and a proper exploitation and distribution of her immense water resources is effected by a system of well-planned scientific planning. In general it may be said that the dying rivers may be revived by the surplus waters from the overflowing rivers like Damodar, Padma, Tista or Jamuna, by means of cuts, canals, dams, reservoirs, sluice-gates, channels and embankments. The Bhagirathi may be joined to Nabaganga by a cut from Santipur to Mangra.

Sir, my point is that it will not do for the Government to undertake anything in an isolated manner like a "Bijoy Cut" here and an "Anderson Cut" there. I want them to consider and explore the economic possibilities of all such proposed cuts so as to secure the best possible economic advantage from each as parts of a general scheme to investigate the whole problem. In this connection I have to quote for the information of the Council the colossal schemes of irrigation which are being undertaken by some of the sister provinces like the Punjab. So far as the Punjab is concerned—a land of five rivers which cannot rival Bengal in regard to her natural resources—she has already incurred a capital expenditure of more than Rs. 33 crores and has again proposed for this year an additional capital expenditure of Rs. 9 crores for productive irrigation works. As a result of extensive irrigation projects in other provinces the main canals and branches number 4,049 in Madras, 5,698 in Bombay, 3,438 in the Punjab while the distributaries alone number 8,303 in Madras, and 13,119 in the Punjab. But the record of Bengal under both these heads is nil.

Well, the Government might perhaps say that their departments are always scheming and have been scheming for all these years and they have got various schemes ready for tackling this huge and momentous problem.

I do not like, Sir, that this resolution should be understood to cast any slur on the working of the Government departments. But what I do want is that the province of Bengal is entitled to know that the A B C of scientific planning in this most important matter has been undertaken. We want to know whether action is being taken on the scale on which it is required. In this connection I should like to give to this Council some idea as to the various schemes which have been successful elsewhere. Very probably it will be said that the problems of mighty rivers like the Ganges, Padma and Megna are unique in their character and therefore they do not afford any parallel elsewhere. But I have found an interesting parallel and the Council will bear with me when I go into the details of a magnificent and gigantic scheme

which may apply equally to the mighty rivers like the Megna, Padma and Ganges; Sir, I refer to the Mississipi system of irrigation in the United States of America.

The giant Mississipi *Levee* System is more wonderful than the great wall of China. More than 2,000 miles of dykes run parallel to the river. Similar dykes and *levees* are thrown up along the other rivers that flow into the Mississipi. 15,000 miles of the system are navigable. The Mississipi basin drains territory in 31 States and two Canadian provinces.

Levees are built with earth which is dug and piled with tower machines, drag lines, tractors, wagons and trucks. Sometimes a hydraulic dredge pumps mud, or clam-shell dredges work on floats.

Some of these delta *levees* are now built up to 25 or more feet.

The river is now confined between 2,000 miles of high levees.

These levees now overlook and protect vast sugar, rice, fur, farming, and lumber lands on one side, and, on the other, great industries like refineries, oil-fields, sulphur mines, celotex and other mills. A grave responsibility thus rests on a corps of engineers in charge of the *levees*.

To maintain the *levee*, *gaps* are created where a tributary flows into the Mississipi. This provides a natural over-flow or flood-basin.

A second protective device is what is called a "*Fuse Plug*". This means that a stretch of *levee* is purposely left low where the river can overflow when it gets dangerously high, allowing surplus water to be drained off into low lands reserved for that emergency.

Engineers can always pull this "*Fuse Plug*" to prevent emergency disasters.

Sometimes *sluice gates* also serve to drain off parts of big floods into lakes.

The Mississipi is also shortened by a hundred miles by means of a dozen "*cut-offs*". *Necks* or points formed by the sinuous bends of the river are cut through so as to straighten out, shorten and speed up flood flow and to stabilise the river channel. These *cut-offs* are valuable for navigation. They also help in flood control by speeding up discharge.

All these operations are controlled by a standing Mississipi River Commission with its branch offices all along the river. A model of the river is kept at headquarters showing flood control plans and over-flow areas. From the model the office can know where sand bars may

form, or *levee* breaks occur, or where new *cut-offs* may come. There is a laboratory housing volumetric measuring tanks and apparatus for the study of stream velocity, *spill-ways* and *settling basins*. Silt studies are carried on with a view to determine how much sediment is carried by the river. The annual cargo of mud which the Mississipi carries to build up its vast delta is enormous.

Besides flood control, there is plenty of work to do with locks and dams opening this long water-way to the busiest traffic.

Dredging "*snags*" and sand bars, deepening channels, rivetting banks, are all part of the work of the engineers.

The study and survey of possible sites for about 150 dams and reservoirs gave years of work to engineers.

Storage reservoirs are useful for controlling local floods and super floods in the main stream.

Even this huge *levee* system is not adequate protection, because the river is ever changing its bed, eating away its own banks and scouring deep holes here and there. In such cases the situation has to be saved by *rivetment*, using concrete slabs, or mattress made of steel web covered with asphalt.

Thus controlled the Mississipi is now the traffic artery of great national importance, involving not merely the problems of flood control and navigation but also the problems of power, irrigation, pure water-supply for cities and of pollution from sewers, mines and factory waste.

With their *levees*, their *spill-ways* and *over-flow basins*, their *dams* and *reservoirs*, the Mississipi engineers have now effectively controlled the river, though sometimes control is rendered difficult by cutting down forests, overgrazing, ploughing up grass and draining swamps for the benefit of local areas.

Sir, I do not like to take more time of the Council in going into details as I believe that this resolution is not at all contentious in its character. It only wants that the attention of the Government may be fully drawn to proper measure to be taken to tackle a problem with which is bound up the economic prosperity of the whole province. I have simply given examples of certain measures of irrigation tried with success elsewhere. I do not claim to be an expert but I have been able to collect certain data along the lines of which necessary action may be taken by Government so that a committee might be formed and the necessary supply of funds voted without any grudge by the Legislature in order to undertake this colossal project to which I have referred. Sir, I commend the Resolution to the acceptance of this House.

Mr. KAMINI KUMAR DUTTA: May I be permitted to move an amendment?

Mr. PRESIDENT: Yes.

Mr. KAMINI KUMAR DUTTA: I beg to move by way of amendment that—

The words "the course of natural water-channels and" be inserted after "regulate irregation," and

To add the following sub-clause (8) after sub-clause (7):—

"(8) Deepening the beds of silted up streams and widening the channels."

Sir, my amendment is only an addition of a few words to the original resolution and is not meant to detract from it.

Dr. RADHA KUMUD MOOKERJI: I have no objection to the amendment proposed by Mr. Dutta although it is already covered by my resolution.

Mr. HUMAYUN KABIR: I am sure that I am expressing the views of all the members of this House in saying that this resolution raises a problem which is of peculiar importance to our province. The other day in the general discussion on the budget, I referred to a feature which has become chronic in recent years in the economic life of Bengal; I mean the question of frequent recurrence of flood and consequent famine in the country. We were not given the opportunity of developing our criticisms on questions connected with the budget and there was no time for it. I propose to take up here one or two items connected with that and I think it is relevant to the resolution which has been so ably moved by the Leader of the Opposition. We find that provision has been made in the budget for the formation of a Waterways Board. I think that the question of a Waterways Board is in some ways intimately connected with the resolution which is before us, for I take it that the purpose of the Waterways Board will be to regulate the natural flow of water in Eastern Bengal and also to control irrigation and provide for supply of water to the agriculturists. But how can a Waterways Board adopt effective measures until the problem is tackled as a whole and the whole question of irrigation of the province is taken up? One hon'ble member suggested that there have been attempts by the Government of Bengal from time to time to take up isolated bits of work here and there. But I would like to stress the fact that the best results will not be available if this sort of isolated canal and irrigation works are taken up here and there. What we want is a survey of the situation in Bengal as a whole, to examine how to remedy the chronic floods which have become a permanent feature of Bengal's economic life. Is it due to disturbance and interference with the natural irrigation arrangements of the

country? How far has the railway system interfered with the natural flow of water in this province? Until all these questions are taken up consecutively and systematically, I would suggest that the provision of a Waterways Board by itself is not and cannot be enough.

The hon'ble mover of the resolution has referred to the fact that in some respects Bengal can be divided into two halves. One half is Western Bengal which has often been called dying Bengal and the other is Eastern Bengal which is living. We from Eastern Bengal are lucky that the same calamity has not befallen us yet, but unless we take steps to control the natural forces in time, the same fate might overtake us. Students of history know that if we take the record of the last 100 years or so, the flow of the river Padma has swung over different channels, the distance between which has been estimated as between 70 and 100 miles. If the river Padma is left to oscillate in this manner, there will be in the near future oscillation in the economic progress of the country as well. I wholeheartedly support the hon'ble Leader of the Opposition in his proposal and would press that the question of the river system as well as the irrigation system should be taken up before anything is done to set up a Waterways Board. Piecemeal work is taken up here and there, but this leads to the growth of vested interests, and prevents the execution of systematic reorganisation. It is because the survey is taken up piecemeal that systematic work is not possible, and I would urge the Hon'ble Minister to make provision for a complete survey before he contemplates the setting up of a Waterways Board.

Khan Bahadur ATAUR RAHMAN: Sir, the previous speaker is from living Bengal and I am from dying Bengal, so I have got particularly more interest in the resolution moved by my friend Dr. Mookerji. Recently I had a talk with the Irrigation Department about tube-well irrigation and I personally have some experience of it. I took the trouble of going over to United Provinces and looking with my own eyes into the system there. We are talking loud about village uplift, village development, and agricultural development and are appointing bull experts and cattle experts and all these things, but nothing would be more desirable for the improvement of this dying nation than a scheme like this if it is taken up with a real interest and not by a show in appointing a commission or an enquiry committee or something like that. We get plenty of rain in Bengal—more than 40 inches—we have got water underground and we have got water in the form of many rivers passing through the country. All these materials are being wasted and we are dying for want of water. Just now a part of my own district is not getting rain and transplantation cannot be started. If the unfortunate cultivators had some tube-well system with a large electrical power I think insufficient rain could be supplemented by occasional drawing from the tube well. I would earnestly

ask all the members, particularly, the Finance Minister, although he comes from the living part of Bengal, to keep a kind and affectionate eye on the dying people of Western Bengal who really require a bold irrigation scheme to be started at once.

It has already been pointed out that haphazard work in the form of cutting one river here and cutting another there will do no good. The Railway has already done immense mischief to us by not keeping sufficient openings. This thing should also be taken up along with this question. I would strongly and wholeheartedly support the resolution and request all my colleagues here and particularly the Government members that some sort of scheme should be taken up. I have no scientific knowledge of the Mississipi of America but I can say I have got some practical idea being an agriculturist myself. For three years we had no crop although we had to pay heavy rent to the zemindars who even realised rent by attaching property. The certificate procedure will not have to be adopted if we have sufficient rains and if our benign Government would have provided some form of irrigation to supplement it. The dying rivers ought to be reclaimed. The tanks also require re-excavation and tube-wells are to be sunk with electric power. Coal is the cheapest property of Bengal. Some power house may be started somewhere near Asansol. Even without the hydraulic power we can have cheap generating power in this country. With these few words I support the resolution over again.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I rise to speak a few words on my own behalf. So far as the Government's policy is concerned it will be enunciated by my hon'ble friend the Maharaja Bahadur of Kasimbazar. Sir, the two previous speakers have mentioned my name and that is why I rise to give some explanations. My friend Mr. Humayun Kabir said that the Waterways Board should not be established before a thorough survey is made of the whole problem of rivers and canals, etc. First of all he is under a misapprehension that the Waterways Board will deal with problems both of waterways and irrigation of Bengal. The Waterways Board will have nothing to do with the irrigation problem of Bengal but will only deal with waterways, rivers, navigation and such matters and the survey or any plan of improvement of waterways will also be entrusted to the Waterways Board. So I consider that the establishment of the Waterways Board is first of all necessary and that the Waterways Board will begin to formulate its plan and then begin its work. So far as the other problems are concerned, as far as my knowledge goes the Government of Bengal have for the last two years been preparing a lot of schemes and one of the schemes for which my hon'ble colleague, the Maharaja of Kasimbazar, is responsible provides for a survey, and that scheme has been included in the budget programme.

My friend, Dr. Radha Kumud Mookerji, has given some statistics of irrigation works in the Punjab, Madras and the United Provinces. I may tell him that these problems have been tackled by these Governments for a long time. But we have only begun to function from the 1st of April last. These Provinces began long before and so far as the Punjab Government is concerned they began to tackle this problem in 1902. So they have been able to construct thousands and thousands of miles of irrigation channels; but as I have said, we have only begun from the 1st of April last. I can assure you, Sir, that no responsible Minister can neglect the problem of irrigation which is connected with the productivity of the soil.

My friend, Khan Bahadur Ataur Rahaman, has said that as I belong to Eastern Bengal I might neglect Western Bengal. I should like to tell him that though I belong to Eastern Bengal, I have taken responsibility for the entire province of Bengal. So there cannot be any question of any discrimination between Eastern Bengal and Western Bengal, because so far as discrimination is concerned, I can point out that the Government of India Act, 1935, provides a machinery in the shape of many safeguards and we shall not give any occasion for any complaint. I may assure the Khan Bahadur that he need not apprehend that there will be any necessity for resorting to a safeguarding clause.

Maulana MUHAMMAD AKRAM KHAN addressed the House in Bengali. The following is the English translation of his speech:—

Thanks to the ravages of malaria and other diseases, the peasants are dying by inches. Every census report shows that the population has dwindled by 7 or 8 in a hundred from what was reported in the previous report. The rivers are getting silted, causing grave difficulties for boats and ships to ply. Government also admit this but do not take any steps to remove the obstacles. It is necessary to make an enquiry soon and adopt scientific methods. Unless this is done immediately the future of the people appears to be very gloomy indeed.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that the question be now put.

Mr. PRESIDENT: I do not think that there has been reasonable debate on this matter yet.

Mr. KADER BAKSH: Mr. President, Sir, the importance of the subject has been very ably put by the mover of the resolution, Dr. Mookerji. It has also been ably supported by Maulana Akram Khan. We fully realise the necessity of taking immediate steps which it may be possible to take so far as the finances of the Government permit. The Resolution is a very modest one which does not require

any lengthy speech to commend itself to the acceptance of the House. The resolution is to the effect that a committee consisting of certain members of both Houses be appointed to investigate and to consider the feasibility of taking steps in the matter. I need hardly add anything to what has been stated by the previous speakers. I formally support the resolution.

Mr. NAZIRUDDIN AHMAD: We have heard with considerable attention the speeches delivered in this House. No one denies the importance of the project and its utility to the province. So far as I am concerned, I am interested in one or two individual projects. The first is the Damodar Canal. Experience shows that when committees of this type with experts are appointed, they take a very long time in forming their opinion, and when their report is ready, the term of the members, who form the committee, expires. In the meantime comes another set of members to control the affairs of the House, and they have to go over the whole thing once again. Therefore in a matter like this, I should think that before appointing a non-expert committee with co-opted experts, there should be a survey of the economic condition of the various districts of Bengal and also a survey of the physical geography of the province by experts and then, after they have collected sufficient materials and prepared sufficient grounds to work upon, a non-expert committee may be appointed to take action. You will find that the Damodar Canal in Burdwan has been excavated at an enormous cost though it has not been quite an unmixed blessing as it should have been. We find from experience that though the canal was excavated with the hope of improving the fertility of the surrounding lands and removing the decadent condition of the irrigation rivers and tanks, this canal has only landed us in huge expenditure without a corresponding amount of real benefit to the people. I have raised this question because I think that in passing a resolution of this type there is a danger that we would be carried away by generous sentiments and pass resolutions which would be nothing but expressions of pious opinions. With regard to the Damodar Canal, I may refer to the past history of Burdwan for the information of this House. Before the Permanent Settlement which took place in 1793, Burdwan was the most highly developed and the most highly taxed district not only in the whole of this province but also in the whole of Hindustan. From the time of the great Moghal Emperor, Akbar, Burdwan was the centre of attraction as it was considered to be the most prosperous and the most highly developed agricultural district in India. That was a perpetual pretext for imposing very heavy land revenues on the district. Then, as ill-luck would have it, when Burdwan came under the East India Company in 1758 as a ceded district, Maharaja Tilak Chand had clashes with the soldiers of the Company and as a result retaliatory measures were immediately taken. Heavy demands in the shape of revenue were made from the Raja who

had to submit and agree to pay a revenue of Rs. 25,00,000 for that year and a further promise to pay Rs. 28,50,000 next year. You will find from a study of the history of the Permanent Settlement of the province that though this satisfied the Company for the time-being, an officer of the Company—Mr. Sumner—suggested that if they put the screw a bit tighter, more money would be forthcoming. So, Mr. Sumner was sent to Burdwan and he put the screw a little tighter and the Raja had to pay Rs. 32,00,000 next year which rose very quickly to over Rs. 40,00,000 a year. In this way, the incidence of land revenue rose to be the highest in Bengal and is considerably higher than that of any other Division in the province. From a study of the history of this district, it will also be found that rents on land were repeatedly increased to unprecedented levels. So, we find it to be an established fact that the land revenue as well as rents payable by the cultivators in the district of Burdwan are excessively high. Without taking these things into consideration, the Damodar Canal rate was fixed at Rs. 5-8 as. per acre. Sir, the tenants have got to pay an excessive amount of rent; the landlords have got to pay an excessive amount of revenue; then there are the union rates and other indirect taxes to be paid; and over and above these comes the canal rate. These taxes put together leave practically nothing to the tax-payers of the canal area. So, before launching on a programme of this type, a careful enquiry should be made about the economic condition of people affected thereby as well as various other factors. I would therefore submit that, before appointing a non-expert committee, an expert committee ought to be appointed to make a survey of the area on the lines indicated by me. The recurrence of the Damodar floods is another difficult problem. You will find that the Damodar is fed by rain water from the hills of Chota Nagpur. It is a scientific fact that the hills are crumbling away. The rains bring down a considerable quantity of mud and sand. Such is the case with the Damodar so far as Burdwan and part of Hooghly is concerned. The on-rush of sand and mud is so heavy every year—there being no sufficient outlet at the outfall—that the river where it joins the Hooghly has resembled a bottle neck—the mud and sand settle down and the bed of the Damodar is getting higher every year. An expert says that the bed of the river is about 8 feet higher than the main street of the Burdwan town. To save the railway system, the Government raised an embankment on the town side of the river. In 1913, there was a huge accumulation of rain water for three or four days when the embankment gave way and the result was a great flood. In 1935, there was a repetition of the same story. The embankment failed to check the rush of water and as a result gave way, inundating the whole town and the outlying area. The other side of the river is inundated every year causing great loss to the people. These are matters where expert opinion would be of the greatest help but I do not know whether a committee composed of experts and non-experts will ever be

able to come to an agreement. In these circumstances, I think tha before we appoint a non-expert committee, we should try to ascertai the various aspects of the problem from experts, and then we shoul also ascertain the attitude of the Government on this subject. I Government take up the matter in a sympathetic manner, I think wit a small area as an experimental measure steps might be taken to mak a small beginning. Further, the resolution proposes that four member should be taken from the other House, that is, it presupposes a simila resolution being carried in the other House. We do not know what th other House would do, but we shall have to pass it in anticipation o their doing the same thing. I would therefore ask the hon'bl mover to withdraw the resolution for the time being and to bring it u again after expert opinion has been obtained and the Hon'ble Ministe has considered the entire project. With these words, I would ask th hon'ble mover, after hearing what the Hon'ble Minister has got to sa in the matter, to withdraw the resolution.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I find that the hon'ble mover of the resolution has brought it forward for emphasising the magnitude of the irrigation problem in Bengal along with the diversity of its concomittant factors. I can assure hin at the outset that Government have full sympathy with the laudabl spirit underlying the resolution though it is permissible to have differences of opinion as to the manner of approaching the same.

Sir, with your permission, I can say that almost all the items mentioned by the hon'ble mover have either been taken up by Government or are being seriously investigated. This will be clear if I am permitted to elaborate the notable features that have characterised the irrigation policy of Bengal up till now.

The vastness of the province, the deltaic nature of the land, and the varying condition of the soil make the problem all the more complicated. It was at the instance of Dr. Bentley that the idea of introducing flush irrigation in certain areas of Bengal was being seriously thought of by Government. Indiscriminate construction of *bunds* and other embankments has caused considerable deterioration in the fertility and sanitary condition of large tracts of land in Western Bengal. The embankments along the Damodar, Rupnarain, Cossye, and Ajay rivers may be cited as examples. Similarly, in Central, Northern and even portions of Eastern Bengal, the damming of side channels and similar other interferences to natural spill of rivers have affected the prosperity of those regions. To combat the problem of flush irrigation, Government have already made a beginning by introducing the Hooghly-Howrah flushing scheme involving an ultimate expenditure of nearly Rs. 3 crores.

This scheme, Sir, will not only improve the fertility of the soil, but will also improve the sanitary condition of a large area between the Damodar and the Hooghly. In tracts where flush irrigation is impossible, irrigation by tube-wells is the only other alternative. But to do that we, must take up smaller areas. A big area cannot be taken up to be irrigated by tube-wells unless tube-wells can be worked with the help of cheap electricity. We are already in communication with the United Provinces Government to find out the details of the system that has been introduced there, and also the results that have been obtained so far. It is indeed very desirable that canals and feeding cuts in this province should be so aligned as not to obstruct the natural drainage channels or upset the drainage system. Such schemes should, therefore, be prepared with extreme caution and care; and, as a preliminary step, a detailed contour-survey of the country is absolutely necessary. A beginning has already been made in this direction, and it appears that fairly large areas in the districts of Burdwan, Bankura, Birbhum, and Murshidabad have been contour-surveyed in order to understand the quality of the country. It has been said that it is no use taking up a scheme here and another scheme there. But Sir, it is an impossible proposition to take up all the schemes together, and even when we have a comprehensive programme we shall have to start from somewhere. Provision has already been made for reservoirs in the three big schemes for canalisation, which have been undertaken by this department. I have already mentioned about the Hooghly-Howrah flushing scheme. The others are the Moor scheme in Birbhum and the Dwarakeswar scheme in Bankura. All these schemes, when they are brought into operation will supply water for irrigation purposes to very large tracts of the country in three or four districts.

Sir, as regards item No. 6, which refers to the harnessing of waterfalls for generating cheap electricity for the countryside——

Dr. RADHA KUMUD MOOKERJI: On a point of order, Sir. My resolution does not commit Government to any particular scheme. My purpose was simply to put before the proposed committee all available data.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I am not referring to any scheme but I am only giving an account of what my department is doing. It will be seen that it is moving exactly on the lines of the resolution which the hon'ble member has moved.

I myself recently visited Sikkim and visualised with my own eyes the immense potentialities of hydro-electric power that may be generated there. As regards item No. 7 Government are convinced of the desirability of having a river training laboratory; but for the present I do not think in Bengal there is need for such a laboratory. The small work which we have so far undertaken is done by referring to the Central Board of Irrigation who gives us the technical advice.

Now, Sir, I come to the main question, namely, the advisability of forming a committee—

Mr. PRESIDENT: Is the Hon'ble Minister likely to finish his speech within a couple of minutes?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: Yes, Sir. Thank you. It will serve no useful purpose to have a committee at this stage. There are several preliminaries which must be gone through before such a committee can function, and it may be that I shall myself come forward with a similar proposal. I would not like to confine the membership of the committee to the members of the legislature only, but at the same time I shall be delighted to take in any member who takes a keen interest in such matters like our hon'ble friend the mover of the resolution. In the meantime, I shall be glad to consider any scheme that any hon'ble member of this House or any outside agency may care to put forward. A committee like this should be so composed as to reflect the opinion of this legislature, representation of the interests involved and thirdly of experts. To make a committee like this complete and useful other matters may have to be considered and may be included within its terms of reference, as to its constitution etc. It is for these reasons that I am unable to accept the resolution in its present form. At the same time I am prepared to give this assurance that I will look into this question with the utmost care and find out what can be done to start a general survey of the irrigation problem of Bengal.

In these circumstances and considering everything I have said I would appeal to the hon'ble mover of the resolution to withdraw his resolution.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, before you put this resolution to the vote, may I draw your attention to the fact that there is a general consensus of opinion among the members of this House that another day should be allotted for discussing resolutions. We had only one and a half hour's time to discuss resolutions to-day and only

one resolution could be discussed. Formerly, we used to get two days' time for discussing matters of general public interest. So, will you please move His Excellency so that another day may be allotted for this purpose?

Mr. PRESIDENT: If a proper representation is made it will be my duty to approach His Excellency to have another day. But it is known to this House that the President has no power under the rules to allot an additional day. Unless the rules are changed it is for His Excellency the Governor to allot such dates.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that the question be now put.

Mr. PRESIDENT: I think, now there has been a reasonable debate and I shall accept closure.

The question is that the question be now put.

The question was put and agreed to.

The amended resolution which runs as follows was then put and agreed to:—

This Council declares that it is of opinion that a committee of eight members, be chosen in equal numbers from the two Houses of the Legislature, and with power to co-opt additional members as experts, be formed for the purpose of the utilisation of the *hydrographic* resources of Bengal and to regulate irrigation and the course of natural water channels, and improve sanitation and public health, with particular reference to the following, amongst other, approved measures:—

(1) Flush irrigation in the alluvial portions of Bengal where the delta has been raised to the same flat level.

(2) Storage of rain water in suitable reservoirs.

(3) Construction of dams and reservoirs provided with sluice-gates and distributaries.

(4) Irrigation by electric power from rivers and tube-wells as has been done in the United Provinces.

(5) Construction of canals and cuts without dislocating the natural drainage levels.

(6) Harnessing of waterfalls for generating cheap electricity f the countryside (on the lines of the United Provinces hydr electric Grid system).

(7) Establishment of a river-training laboratory at headquarters.

(8) Deepening of beds of silted-up streams and widening channels.)

Adjournment.

The Council then adjourned till 2-15 p.m., on Thursday, the 12t August, 1937.

Members Present:

The following members were present at the meeting held on the 11th August, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Banerjee, Rai Bahadur Keshab Chandra.
(6) Bose, Rai Bahadur Manmatha Nath.
(7) Chakraverti, Mr. Shrish Chandra.
(8) Chaudhury, Mr. Moazzemali.
(9) Chowdhury, Khan Sahib Abdul Hamid.
(10) Chowdhury, Mr. Khorshed Alam.
(11) Chowdhury, Mr. Humayun Reza.
(12) Cohen, Mr. D. J.
(13) Das, Mr. Lalit Chandra.
(14) Datta, Mr. Bankim Chandra.
(15) Datta, Mr. Narendra Chandra.
(16) D'Rozario, Mrs. K.
(17) Dutta, Mr. Kamini Kumar.
(18) Ellahi, Mr. S. Fazal.
(19) Goswami, Mr. Kanai Lal.
(20) Haider, Nawabzada Kamruddin.
(21) Hosain, Khan Bahadur Şaiyed Muazzamuddin.
(22) Hossain, Mr. Latafat.
(23) Huq, Mr. Syed Muhammad Ghaziul.
(24) Ibrahim, Khan Bahadur Maulvi Mohammad.
(25) Kabir, Mr. Humayun.
(26) Khan, Khan Bahadur Muhammad Asaf.
(27) Khan, Maulana Muhammad Akram.
(28) Laidlaw, Mr. W. B. G.
(29) Maitra, Rai Bahadur Brojendra Mohan.
(30) McKerrow, Mr. J. A.
(31) Momin, Begum Hamida.
(32) Mookerjee, Mr. Naresh Nath.
(33) Mookerji, Dr. Radha Kumud.

(34) Mukherji, Rai Bahadur Satis Chandra.
(35) Ormond, Mr. E. C.
(36) Pal Choudhury, Mr. Ranajit.
(37) Poddar, Mr. H. P.
(38) Rahman, Khan Bahadur Ataur.
(39) Rahman, Mr. Mukhlesur.
(40) Rashid, Kazi Abdur.
(41) Ray, Mr. Nagendra Narayan.
(42) Ray Chowdhury, Maharaja Sir Manmatha Nath, Kt., Santosh.
(43) Roy Chowdhury, Mr. Krishna Chandra.
(44) Sanyal, Mr. Sachindra Narayan.
(45) Sarkar, Mr. Indu Bhusan.
(46) Sen, Rai Sahib Jatindra Mohan.
(47) Shamsuzzoha, Khan Bahadur, M.
(48) Singh Roy, Mr. Saileswar.
(49) Sinha, Rai Bahadur Surendra Narayan.
(50) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
(51) Wilmer, Mr. D. H.

Members Absent:

The following members were absent from the meeting held on the 11th August, 1937:—

(1) Barua, Dr. Arabinda.
(2) Chowdhury, Mr. Rezzaqul Haider.
(3) Chowdhury, Mr. Hamidul Huq.
(4) Esmail, Khwaja Muhammad.
(5) Hossain, Mr. Mohamed.
(6) Jan, Khan Bahadur Shaikh Muhammad.
(7) Karim, Khan Bahadur, M. Abdul.
(8) Lamb, Mr. T.
(9) Molla, Khan Sahib Subidali.
(10) Nicholl, Mr. C. K.
(11) Ray, Rai Bahadur Radhika Bhushan.

Ministers Present:

The following Hon'ble Ministers attended the meeting held on the 11th August, 1937.

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A., (Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Sir Bijoy Prasad Singh Roy, KT., M.L.A.

(5) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(6) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(7) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, M.L.A.

(8) The Hon'ble Nawab Musharruf Hosain, Khan Bahadur, M.L.A.

(9) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(10) The Hon'ble Mr. Prasanna Deb Raikat, M.L.A.

(11) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 12th August, 1937, at 2-15 p.m., being the sixth day of the Second Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Forty-nine Members and eleven Ministers were present.

Discussion on questions and answers which were not available.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, may I draw your attention to the fact that no questions and answers are printed in the agenda for this day?

Mr. PRESIDENT: Order, order. Under section 22 of the Bengal Legislative Council Rules and Standing Orders, the first hour of every meeting shall be available for the asking and answering of questions, and in the List of Business the questions and answers are the first item and it is a mandatory provision.

I understand from the Secretary that the questions and answers are not available. They were sent to the Press at 6 o'clock last evening and the Press promised to send them by 2 o'clock to-day, but they have not yet been received. Will the Hon'ble Minister responsible for this matter please enlighten us whether Government are non-co-operating in not getting the questions and answers printed?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, we are certainly not non-co-operating. I do not know what the difficulty is, but I would certainly enquire into the matter if I know what the position is.

Mr. PRESIDENT: The law enjoins and the rule lays down that the first hour shall be devoted to questions. Further, the Hon'ble Minister knows that the Council may be prorogued to-morrow. So the members will be deprived of their valuable right of having answers to their questions and the House can certainly complain seriously if the answers are not available.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: What will happen if there are no questions to be answered to-morrow?

Mr. PRESIDENT: I know there are questions pending.

The Hon'ble Mr. H. S. SUHRAWARDY: May I rise, Sir, on a point of order? The rule says that the first hour shall be available for questions and answers. It does not therefore necessarily follow that if there are no questions and answers, you cannot go on with other business.

Mr. PRESIDENT: Yes, Mr. Suhrawardy, you are right. But I understand from the Secretary that there were questions and answers and some of them were even ready and sent to the Press yesterday evening at 6 o'clock.

The Hon'ble Khwaja Sir NAZIMUDDIN: There is a short-notice question which I would like to answer.

Mr. PRESIDENT: Before I put the short-notice question, I would like the Hon'ble Minister in charge of the Home Department who is also responsible for things connected with the Council, to kindly see that to-morrow being the last day of this session, all the questions and answers that have been ready be placed, as otherwise they will lapse with prorogation. I therefore hope that he will see that the questions and answers may be timely printed so that the members may not have to complain.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, I would try to do my very best in the matter.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, even when the questions and answers have been printed I submit that they should be made available to the members half an hour before the commencement of the meeting.

Mr. PRESIDENT: If the questions and answers are available, they will be supplied to members, half an hour before the House sits.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, on this point may I submit that we are put to great difficulties by the questions and answers not being sent to us earlier? It is not that we are non-co-operating with this House. There are difficulties in the way because in connection with questions we are expected to have our files so that we may be able to answer supplementary questions, if any. So if the questions are not sent to us earlier than we see them for the first time

lying on our table in this Chamber, it is very difficult for the Ministers to answer supplementary questions. I would therefore ask you, Sir, to kindly see that the questions and answers are circulated earlier.

Mr. PRESIDENT: Will the Hon'ble Minister in charge of the Judicial and Legislative Department please explain—I have not a separate department yet and the responsible Minister is the Minister in charge of that Department—why the papers are not made available to the Ministers as well as the members half an hour before the House sits?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I deal with this portfolio. The position is that it is a matter of arrangement. If the replies have been received and it is decided that these are the questions and answers that will be put on the agenda for the next day, they could be printed a day in advance, as is done in the Assembly, and then the Legislative Council Department can send the printed questions and answers to the Ministers on the previous evening, so that they may know a day before what questions and answers are on the agenda for the next day. So it is purely a question of arrangement and a question of the answers being sent by the Ministers to the Legislative Council Department beforehand. I do not know what happened in this particular case—whether the answers were received in sufficient time by your Council Department to have been sent to be printed earlier.

Mr. PRESIDENT: I have given specific instructions to my Secretary and the Office that as soon as the notice of a question is received, the notice should be sent at once to the administrative department concerned. I understand from the Secretary just now that there are questions of which the administrative departments received notice more than a fortnight ago; yet those administrative departments have not cared to answer those questions. On the very first day of the session I drew the attention of the House to this matter and I also reminded the House yesterday that the members were entitled to get answers to their questions on the fifteenth day, unless, of course, the Hon'ble Minister in charge of the Department concerned explained why the answer was delayed or why he was not able to answer the question. I rule that it is the right of every member to have his question answered on the fifteenth day of sending in the notice; it is a fact that many questions are not being answered within a month or more, so Ministers cannot certainly complain that they did not get the notice in time. If they receive the notice in time, it is their duty to answer it on the fifteenth day. I shall certainly, see, as the Hon'ble Khwaja Sir Nazimuddin suggests, that the questions and answers are regularly printed and made available to the Hon'ble Ministers and the members of the House in good time.

The Hon'ble Mr. H. S. SUHRAWARDY: May I enquire, Sir, if you mean on the fifteenth day from the day when the preliminary intimation of the question is sent to the department, or on the fifteenth day from the date on which the finally corrected question is sent by your office to the department concerned?

Mr. PRESIDENT: As soon as we get the notice of a question, we send a copy of that notice to the department concerned which prepares the answer, so that we may get the answer some time before the fifteenth day, but if any further time is required, it will be for the House to allow it or not. Under the present rules the President can expect, unless any Minister asks for more than fifteen days' time, a question to be answered on the fifteenth day.

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry that I have not been able to make myself clear. As soon as the intimation of a question is sent to the office, our office gets intimation of that question, but after a considerable time, sometimes one and half months or more, the corrected question or rather the admitted question is sent from the Council Department to the administrative department. How are we to reckon the time? Is it to be fifteen days from the receipt of the first intimation or from the day when the corrected or admitted question is received by the administrative department.

Mr. PRESIDENT: Time should be reckoned from the first receipt of the notice of question. My department can only make verbal alteration. If there is any objection from the department concerned, certainly the President takes that objection into consideration. I expect the ministerial departments will take notice of the questions and try to get the answers ready. As soon as any verbal alterations are made, intimation of such alterations will certainly be given to the ministerial department.

The Hon'ble Mr. H. S. SUHRAWARDY: May I, Sir, presume to say that sometimes the questions are substantially altered? I may even bring to your notice that in some cases after the answer had been prepared to the question as first drafted it was found, after the admitted questions were sent to the department, that the answers had to be remodelled very substantially and all the work and labour that was undertaken in compiling materials for answering the first question is wasted when the question as finally admitted is sent to the department.

Mr. PRESIDENT: In such a case it will be a very proper answer for the Hon'ble Minister to say that because of the alterations made in the question, it was not possible for him to answer the question on the particular day.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think it is fair to undertake the preparation of the answers until the question has been admitted by the Hon'ble President, because it is quite possible that the question may not be admitted and in that case all the time and labour spent in preparing the answer, will be wasted entirely. There was one particular instance—if I may refer to a specific case—where it was pointed that the question had not been admitted and naturally we took no notice of the question until it was admitted by the Hon'ble President. Therefore I submit, Sir, that the time should be counted from the day after which the question has been admitted and not fifteen days after the receipt of the first notice. That is one point.

There is another point, Sir, in regard to which there may have been some misunderstanding as to what I said before. There are two defferent points. What is the position, Sir, if the Ministers had sent certain answers to the Council Department and if within a certain time they had been received by that department, then I submit that these answers could not have been sent to the Press earlier than 6'clock on the previous evening. If the answers were not there, then of course, the Ministers are responsible as they did not reply to the questions. I understood you, Sir, to say that there are a number of questions that have not yet been answered; but as far as I know, a certain number of the questions have been answered and these have not yet appeared on the agenda paper. If these had been received by the Council Department 3 or 4 days before, they could have been printed earlier.

Mr. PRESIDENT: I understand on enquiry from office that only two questions with answers were ready and the difficulty is that through the mistake of the administrative departments the answers went to the Assembly Office first and then there was some delay in getting them from that department. Mr. Suhrawardy has raised a pertinent question regarding admitted questions. I understand that more than twenty-five days have already elapsed even after the notices of the admitted questions were given to the department.

The Hon'ble Mr. H. S. SUHRAWARDY: That, Sir, is quite possible. But we want a ruling from you that we have to give an answer which should be within fifteen days of the date of admission of the question and not within fifteen days of its first receipt.

Mr. PRESIDENT: The rule is that 'a member shall give fifteen days' notice of his intention and shall together with the notice submit a copy of the question he wishes to ask'. As the rule stands at present, the notice must be counted from the date on which the intimation to ask a question is received. Of course the rule can be changed later

on, but so long as the rule is there, no departure can be made therefrom. In future administrative departments should be ready with their answers within fifteen days of the receipt of a question, unless of course, very exceptional circumstances demand otherwise.

Short-notice question.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Home Department be pleased to state the reason for the reported hunger-strike of the political prisoners in the Central Jail at Alipore and what action, if any, has been taken by Government with a view to meeting the situation created by the hunger-strike?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): I should like to take this opportunity of informing the House about the position in regard to the hunger-strike which is now proceeding in the Alipore Central Jail. On the 4th of August, 1937, terrorist convicts addressed a communication to the Chief Minister in which they formulated what they called their minimum demands which were as follows:—

(1) declaration of a general amnesty to mean unconditional release of all State-prisoners, detenus, and of all convicted political prisoners;

(2) withdrawal of all orders of internment, bans on exiles, all such orders which restrict and prohibit all political institions and workers thereof, to carry on their normal business and repeal of all repressive laws;

(3) framing of rules and regulations as part of the Jail Code for the treatment of the political prisoners in a single class, providing a standard not lower than the present division II prisoners with the full facilities of intellectual requirements;

(4) permanent abolition of Penal Settlement, of the system of deporting political prisoners at Andamans and consequently immediate repatriation of all the political prisoners in one jail;

(5) leper and tuberculosis patients should be treated in the leper asylum and T. B. hospitals outside.

At the same time they addressed a communication to His Excellency the Governor informing him that they would resort to a hunger-strike if His Excellency failed within six hours to comply with their demands.

These communications were received in the Home Department on the th of August. On the previous day, the following began a hunger-strike:—

(1) Manoranjan Sen,
(2) Pabitra Kumar Roy,
(3) Shyam Benod Pal Chaudhury,
(4) Sita Nath De,
(5) Ajit Lal Majumdar,
(6) Benoy Krishna Chaudhury,
(7) Sudhir Chandra Ghose,
(8) Deb Prosad Sen Gupta,
(9) Kanan Behary Goswami,
(10) Bimalendu Chakrabartty.

They were joined on the 8th August by three others:—

(11) Mon Mohan Chakraburty,
(12) Haridas Bhattacharjee,
(13) Bhakat Singh,

and on the 9th of August by four more—

(14) Ranjit Roy Chaudhury,
(15) Nagendra Nath Modak,
(16) Bhola Nath Mukherjee,
(17) Debendra Nath Saha.

I have not been able to ascertain to what districts they belong.

Government are not prepared to consider any of the demands so long as the strike continues.

Mr. KAMINI KUMAR DUTTA: What is the present condition of health of the hunger-striking prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I know at present there is no cause for anxiety for any of the prisoners.

Mr. KAMINI KUMAR DUTTA: Has forcible feeding been resorted to?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Motion for Adjournment.

Mr. PRESIDENT: Order, order. I have received two notices of motions for adjournment to discuss urgent public matters—one from Mr. Lalit Chandra Das and the other from Rai Surendra Narayan Sinha Bahadur. Since then Mr. Lalit Chandra Das wrote to me saying that he would not like to press his motion. I should like to know from the Rai Bahadur what he intends to do.

Rai SURENDRA NARAYAN SINHA Bahadur: I do not wish to press my motion.

Mr. PRESIDENT: In view of the fact that both the members do not want to press their motions the adjournment motions fall through.

NON-OFFICIAL BILLS.

The State Provision for Chemical and Bacteriological Examination Bill, 1937.

Mr. NAZIRUDDIN AHMAD: On a point of order, Sir. Section 53 of the Rules and Standing Orders says that copies of Bills will be available to members seven days before the motion is made. So far as I am concerned, I got the Bill only yesterday by post and I understand that some of the members have not yet got their copies.

Mr. PRESIDENT: But that has nothing to do at this stage of introduction of the Bills.

Mr. RANAJIT PAL CHOUDHURY: I beg for leave to introduce the State Provision for Chemical and Bacteriological Examination Bill, 1937.

The Hon'ble Mr. SYED NAUSHER ALI: It is unusual on the part of Government to oppose a Bill at the introduction stage. But I would like to draw your attention to section 82 of the Government of India Act, 1935. This Bill offends against the provisions of section 82(*3*) of that Act. This Bill involves financial responsibility on the Provincial Government and consequently it requires the recommendations of the Governor before it is introduced in any Chamber of the Legislature. Section 82(*3*) reads thus:—A Bill which, if enacted and brought into operation would involve expenditure from the revenues of a province shall not be passed by a Chamber of the Legislature, unless the Governor has recommended to that Chamber the consideration of the Bill.

Mr. PRESIDENT: But we have not reached the consideration stage yet. The Hon'ble Minister will see that it is now being introduced only.

Mr. KAMINI KUMAR DUTTA: On a point of order, Sir. It seems under section 51 of the Rules and Standing Orders that objection to the introduction of a Bill can be raised by a member, and a member has been defined as being a member of the Council. I want to know, therefore, whether a Minister can raise a point of order, not being a member of this House.

The Hon'ble Mr. SYED NAUSHER ALI: I beg to draw your attention to section 64 of the Government of India Act, 1935, which reads as follows: "Every Minister and the Advocate-General shall have the right to speak in, and otherwise take part in the proceedings of, the Legislative Assembly of the province or, in the case of a province having a Legislative Council, both Chambers and any joint sittings of the Chambers, and to speak in, and otherwise take part in the proceedings of, any committee of the Legislature of which he may be named a member, but shall not, by virtue of this section, be entitled to vote."

No rule which is in conflict with this section can have any force whatsoever. If that rule is found to be inconsistent with this provision then it must be taken to be *ultra vires*. I submit, however, that there is no conflict whatsoever. This section 64 of the Government of India Act, 1935, gives all the powers of a member to the Minister except the right of voting. Therefore, I submit that I have got the right of opposing a Bill at the introduction stage.

Mr. PRESIDENT: I understood Mr. Kamini Kumar Dutta to say that he was not objecting to your taking part in the debate. He points out that the rule enjoins that only a member can oppose the motion. Of course when an Hon'ble Minister replies to a question, he can participate in the debate but as a "member" has been defined in section 1, to mean a member of the Council, do I understand the Hon'ble Minister to argue that a Minister is a member?

The Hon'ble Mr. SYED NAUSHER ALI: Certainly not. But the language used in section 64, I submit most respectfully, is so wide that it cannot bear a restricted construction which is intended to be put upon that rule. The section says that a Minister can take part in anything except in voting.

Mr. PRESIDENT: Where do you get that "anything" in the section? It says that he can take part in the proceedings. The Hon'ble Minister well knows that it is not a new rule. As a matter of fact this right of addressing a House, where a Minister is not a member,

had its birth in the South African Constitution. If I remember aright this procedure was first adopted under the "Responsible Government" Constitutions of the Cape of Good Hope in 1872, and it was followed in 1893 in Natal and was incorporated in the South African Act in 1909. The section under which this right is exercised reads:—

> "A member of either House of Parliament shall be incapable of being chosen or of sitting as a member of the other House: Provided that every Minister of State who is a member of either House of Parliament shall have the right to sit and speak in the Senate and the House of Assembly, but shall vote only in the House of which he is a member."

But the Senate Standing Order No. 203(*h*) provides that "this Standing Order shall have no application to any provision of these Standing Orders relating to voting, quorums or divisions in the House, or in any committee thereof." Then again in section 54(*4*) of the Constitution of Malta there is a provision of a similar practice. But there also in its Standing Order 167, it is provided that "Ministers who have the right to sit and speak in the Senate without being members thereof shall not make motions relating to the election of officers of the Senate, the making of Rules, the upholding of privileges, the censuring of members and the fixing of the date of the adjournment, of the place of meeting and of the Orders of the Day." And I have seen in all the countries where Ministers are given the power to take part in the proceedings, that does not mean exclusion of voting power alone. The members of the House certainly possess some statutory privileges which are not or cannot be enlarged to a non-member. The Hon'ble Ministers have been given specific powers under the statute of taking part in the proceedings, which, of course, includes the right of answering of questions, sitting in committees, or taking part in debates; but as the rules specifically state that no motion can be moved except by a member, or opposed, as Mr. Kamini Kumar Dutta puts it. I would like to hear Government's view on the point before I give my ruling.

The Hon'ble Mr. SYED NAUSHER ALI: Your ruling, Sir, will be final.

Mr. PRESIDENT: I have not yet given my ruling. I want to have your views before I do so.

The Hon'ble Mr. SYED NAUSHER ALI: My respectful submission to you is this that the analogy of rules framed under the statutes in other countries should not hold good when we are interpreting a definite statute before us. It is the ordinary rule of interpretation that we should try our best to confine ourselves within the wording of the section itself which runs thus: "Every Minister and the Advocate-General shall have the right to speak in, and otherwise

take part in the proceedings of, the Legislative Assembly of the province or, in the case of a province having a Legislative Council, both Chambers and any joint sitting of the Chambers, and to speak in, and otherwise take part in the proceedings of, any committee of the Legislature of which he may be named a member, but shall not, by virtue of this section, be entitled to vote." Now, Sir, if I did catch you aright it appears to me that you read out something which states that the Ministers would not have the right to work on committees.

Mr. PRESIDENT: I think I should make the position clear. I was only giving some analogies from other constitutions where the Standing Orders deprived Ministers belonging to the other House, of certain rights which are enjoyed by the members alone. If you think that you have certain statutory rights, that has to be proved by an interpretation of the statutes and rules. Whether the words "otherwise take part in the discussion" means all the rights of membership except voting, that is the point at issue. Here the rule clearly says that the moving of a motion or the opposing of a motion must be done by a "member", and the word "member" has also been defined in section 1 (definitions) of the Rules and Standing Orders. So, I would like to hear both sides before I give my decision.

The Hon'ble Mr. SYED NAUSHER ALI: I submit, Sir, most respectfully that a restricted interpretation on the word "proceedings" should not be placed, and is not warranted by the language of section 64 of the Government of India Act, 1935. That, Sir, is my first submission. Secondly, I would just read out the opinion of the Advocate-General of Bengal on this point, as follows:—

> "Under section 64 of the Government of India Act, 1935 a Minister, who is not a member of the Upper House is given the right to speak in, and otherwise take part in the proceedings of, the Upper House. In my view, this will entitle him to move resolutions; but what the section contemplates to confer upon a Minister is the rights and privileges of membership of both Houses except that he would not have the right to vote in the House of which he is not a member. There appears nothing in section 64 which would justify a limited interpretation on his right of speech and moving a resolution. His right under section 64 would cover everything except voting."

This, Sir, is the opinion of the Advocate-General, and I submit that the wording of the section is wide enough and does not bear the restricted interpretation which is intended to be put on it. As I have already submitted, this rule does not contemplate the exclusion of Ministers' rights; and if it did, it would certainly be *ultra vires*, and, consequently, of no use whatsoever. That is my submission, Sir.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, apart from the legal advice of the Advocate-General, I want to put before you some practical difficulty; for instance, if the Maharaja of Santosh was the Finance Minister and had his seat in the Upper House and if he had to move a Finance Bill in the Lower House he could not have been prevented from moving a Finance Bill in the Assembly because he was not a member of that House. That, Sir, is not the intention of the statute. That is my submission.

Mr. E. C. ORMOND: May I be permitted to make an observation, Sir, merely for the purpose of assisting you in taking into account all points which you yourself may think are material in coming to a decision? We shall certainly accept your ruling with all alacrity and happiness, but, Sir, with regard to section 51 of the Bengal Legislative Council Rules and Standing Orders, the words "if a motion is opposed by a member" are not present. It merely states that if a motion for leave to introduce a Bill is opposed, certain consequences will follow. At this stage, it may be that you may think that you are not concerned with the consequences that follow, but you are concerned only with how that opposition to the Bill is made. Now, as far as I understand the procedure which has been adopted so far in this House, is concerned, there has been no objection taken or thought of against the Ministers making motions. If that is so, it appears to me to be entirely illogical that those same persons who are entitled to move motions should be prohibited from opposing them. As to whether you will accept an explanation from a Minister who opposes the introduction of a Bill, in view of the later provision of that section, that probably may be another point for consideration, and I am not at present prepared to deal with that. I only refer to that point for your consideration.

Mr. PRESIDENT: Do I understand you to maintain that the question of membership does not arise so far as this particular question is concerned?

Mr. E. C. ORMOND: I am not going so far as that Sir, I am not taking sides in this matter or taking a partial view. I am not advocating one side or the other. I am merely putting this aspect of the matter before you for your consideration, but certainly the point that I am putting before you for your consideration is that in respect of section 51 of the Rules and Standing Orders, it is not necessary that a member should oppose a Bill, and as you put it just now the membership of the opposer is immaterial.

Mr. LALIT CHANDRA DAS: May I take part in the discussion, Sir?

Mr. PRESIDENT: Yes, certainly.

Mr. LALIT CHANDRA DAS: The Hon'ble Minister in charge has drawn attention to section 64 of the Government of India Act, 1935. Section 64 empowers every Minister to take part in the discussions. It says "Every Minister and the Advocate-General shall have the right to speak in, and otherwise take part in the proceedings of, the Legislative Assembly of the Province or, in the case of a Province having a Legislative Council, both Chambers, and any joint sitting of the Chambers, and to speak in, and otherwise take part in the proceedings of, any committee of the Legislature of which he may be named a member, but shall not, by virtue of this section, be entitled to vote". So the right of a Minister has been clearly defined in section 64. Now, Sir, if this section is read with section 51 of the Rules and Standing Orders, you find these words "if a motion for leave to introduce a Bill is opposed, the President after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question thereon". Now, Sir, if there has been any opposition from any member of this House with regard to the introduction of the Bill just now moved by Mr. Pal Choudhury, then the further question would have arisen whether at that stage the Minister had got the right to take part in the proceedings, *i.e.*, to speak either in support or in opposition. Then, Sir, the third stage begins. The right of a Minister to take part in the proceedings begins only after certain preliminaries have been gone through. In this case, only the first preliminary has been gone through,—with the member in charge having introduced his Bill. Now, the second preliminary is whether there is any "member" of the Bengal Legislative Council who is going to oppose it. If no member of this Council opposes it, then, Sir, my friend on the other side, I mean the Hon'ble Minister, cannot rise and take part in the discussion by raising an objection. This, Sir, is my reading of the section.

Mr. PRESIDENT: Mr. Ormond has raised a very nice point. He says that a member has got the right to oppose, but how under this particular rule, a Minister who is not a member of this House, has the right to oppose?

Mr. LALIT CHANDRA DAS: When the Bill comes to the second stage after introduction, then only can a Minister take part in the proceedings. In the preliminary stage, *i.e.*, the stage of introduction, there are only two parties who can take part in the discussion, but not the Ministers. The Ministers' right of intervention has been clearly defined in section 64 of the Government of India Act, 1935. At the present stage the Minister has not got the right to intervene, or even of speaking.

Mr. PRESIDENT: How do you discriminate between the first stage and the second stage? The statute has given them the right to participate in discussion, so if you once concede that they have a right to participate at the second stage, how can you bar them from the first stage even if they are not members of the House?

Mr. LALIT CHANDRA DAS: I put it in this way, Sir. In the first stage it is simply a formal matter, viz., the introduction of a Bill, which is to be published in the *Calcutta Gazette*. If there is any objection from any member of the House, it is, therefore, only to its publication. The second stage then arrives. So long it was informal, now it becomes formal after publication, the formal portion being the introduction of the Bill and its publication in the *Calcutta Gazette*.

Mr. PRESIDENT: When you are speaking of law and statutes and the rules under the law, you cannot make a distinction. You cannot say some part is formal and some part is informal.

Mr. LALIT CHANDRA DAS: Here the rule clearly lays it down.

The Hon'ble Mr. H. S. SUHRAWARDY: May we leave for the time being the rules out of account, and take into account only the interpretation of the statutes? Possibly the hon'ble member who spoke last is not aware of the fact that if the rules as such do not conform to the wording of the statutes, the rules should be declared *ultra vires* and the statute cannot be interpreted along with such rules. If it is assumed that moving a motion for introduction of a Bill is tantamount to taking part in the proceedings and if a Minister is allowed to take part in the proceedings, he is certainly allowed to oppose the introduction of the Bill. The rules are surely defective. If these rules are to be interpreted in a manner that they should detract from the right given by the statute, then I am sure the Minister or anybody else cannot do anything at all. A Minister is entitled to introduce Bills in this House. Under section 53 of the Rules and Standing Orders when a Bill is introduced or on some subsequent occasion, the member in charge of the Bill may make one of the following motions in regard to the Bill. If we are going to interpret——

Mr. PRESIDENT: Mr. Suhrawardy, do not be too sure of your position. As far as I know a member of Government who introduces a Bill in the Central Assembly, although he attends and speaks in the Council of State, never introduces or opposes a Bill in the Council of State. So do not assume anything. I understand your position. You can argue and say that section 53 of the Rules and Standing Orders is wrong but I do not still find how the rules are not in conformity with the statute.

The Hon'ble Mr. H. S. SUHRAWARDY: Throughout the rule contemplates as if a member can only do certain things, whereas the statute says the Minister can also take part in the proceedings. Obviously this rule either means that they left that matter out of account and gave the right to the members. So far as this rule militates against the express wording of the statute, this rule, I submit, is *ultra vires*. The Hon'ble Mr. Nausher Ali will explain the position.

Mr. KAMINI KUMAR DUTTA: Reference has been made to section 64 of the Government of India Act, 1935 which says that every Minister and the Advocate-General shall have the right to speak in, and otherwise take part in the proceedings. Section 64 appears to be an enumerative section. It has enumerated the right of the Minister, irrespective of his right as a member of that particular Legislature. As this section is enumerative, it must be very strictly construed, and enumerative sections are always very strictly construed. Nothing should be taken by implication. It should be strictly confined to the provision made in the section itself. Here it has simply enumerated the right to speak and otherwise take part in the proceedings and at the same time it has given the caution that because he has the right to take part and speak, he has not the right of vote which he may claim to possess as other members. So I would like to state that when specifically this section (section 64) has not given the power to move a motion for the introduction of a Bill or to introduce a particular resolution in the Council, because there is an enactment of this section and there is that general expression, "otherwise take part in the proceedings", it would not necessarily give the Minister all the rights that the members have. We must conform to the right given by this section and by this section alone—not a word should be added to it. I would state that if in that spirit this section is construed—and that is the spirit in which all enumerative sections are construed—then the only right the Minister has, is the right to speak and take part in the proceedings. Of course, he has the right to discuss and do other things, but the right to oppose or introduce a measure is a special right which must be given by the statute. That right is given to the members and the Ministers have that right in the House where they are members. Here it appears that unless that right is given either by the statute or unless, there is an amendment of the definition of a "member" to the effect that a member includes also the Minister and unless there is an amendment in the rule according to the definition of members as it stands now, I think the Ministers do not possess all the rights which the members of this particular House have, and the general expression gives them the right to take part but does not give them the specified right which the members and members alone possess.

As to the point raised by Mr. Ormond whether the opposition should not come from a member or whether any Minister who is not a member, has a *locus standi* to oppose, reading section 51 of the Rules and Standing Orders we find that the opposition which is contemplated can only come from a member. It does not contemplate opposition from any other source. Therefore there is no question of *ultra vires* or anything of the kind. It is a question ultimately of the rules. Of course, new rules will be enacted. It is for the members to say whether the definition of a member should be extended to the Ministers for the purpose of this Council. As it stands now, Minister does not come within the definition of a member. As section 51 stands, opposition is allowed only from a member. As I have said, the section must be strictly construed and any right which is not specifically conferred by the section should not by implication be conferred.

Mr. NAZIRUDDIN AHMAD: Mr. President, Sir, I think that in discussing this interesting question we are losing sight of a very important factor. You will be pleased to remember that these rules were modified and adapted from the old Council rules which were in existence from before. That will appear from the heading of the booklet of Rules and Standing Orders supplied to us: "The Rules and Standing Orders as *modified and adapted* for the Bengal Legislative Council under section 84(3) of the Government of India Act, 1935." When the old rules were framed there was only one House in the Province and the nice question which has been raised now could not then have arisen at all. Now on account of the new Reforms we have got two Chambers in Bengal and one had to adapt the old rules to modern conditions. The draftsman simply took them as they were and he had no power to make improvements beyond trying to adapt them. You will be pleased to find that section 51 of the Rules and Standing Orders reads like this: "if a motion for leave to introduce a bill *is opposed*"—it does not say who is to oppose. It does not circumscribe or limit it to anybody. The passage "if leave to introduce a bill is *opposed*" implies opposition by anybody in the House including a non-member Minister. "If it is opposed"—not necessarily by a member—"the President after permitting if he thinks fit, a brief explanatory statement from the member who moves, and from the *member who opposes* the motion, may, without further debate, put the question thereon." The word "member" has been loosely used here. The rule is archaic and is inapplicable to present circumstances. We must be liberal in interpreting the rule and try to further adapt the same to suit modern conditions. The adaptation, I submit, has not been very complete and thorough and must continue in this Council to make the rule intelligible. It has been argued by the previous speaker that section

64 of the Act must be construed very strictly. I do not know what he meant by that expression. I say that even if we interpret the section very strictly, the Minister should be allowed to "speak" in opposing a motion. The right to "speak" has been clearly and specifically given. The Act gives a Minister the right to "speak" and the Hon'ble Minister merely "spoke" in opposing the motion. If you read section 51 of the Rules and Standing Orders alone in a liberal spirit and if you remember the history of the rule—the little inexactitude in the terminology should be ignored—you will find that the solution of the tangle would be an easy one. These are merely transitory rules and a committee is going to be formed to-morrow to draft more permanent rules to suit the modern conditions. You have ample powers and if you can make some sort of meaning.

A member: Only a member can oppose.

Mr. NAZIRUDDIN AHMAD: Some honourable member says that this right to oppose is confined to members *only*. I must say that the word "only" is conspicuous by its absence from the rule. It is a forced introduction of the word "only" into the rule. If it is opposed by anybody, then the person who opposes it may submit a brief explanatory statement—that is what is meant here. This main purpose of the explanatory portion of the section should be remembered. It merely indicates the right of the person who opposes to give a brief explanation and there the rule is exhausted. I therefore submit that the rule should be read along with its past history and the present circumstances and section 64 of the Act and the rule should be further adapted and liberally interpreted in the House. The further question is: Does the opposition to the introduction of a Bill amount to taking part in the proceedings? If so, the Minister, on this ground alone, has a right to come in and "take part in the proceedings" apart from his right to "speak" in the House. The only limitation put on a non-member Minister by section 64 of the Act is to deny him the right to vote. The rule cannot in any case override section 64 of the Act. I submit that the Hon'ble Minister has a right to oppose the motion.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, the Hon'ble Minister evidently bases his objection upon clause (*3*) of section 82 of the Government of India Act, 1935, and the right of the Hon'ble Minister to oppose the introduction of a Bill has been questioned on the strength of section 51 of the Bengal Legislative Council Rules and Standing Orders. If we read section 64 of the Government of India Act, 1935 and section 51 of the Bengal Legislative Council Rules and Standing Orders together, we find that section 51 of the Rules and Standing Orders militates against the provision of section 64 of the Government of India Act, because in section 51 of the Rules

and Standing Orders it is laid down "if a motion for leave to introduce a Bill is opposed, the President after permitting, ...etc.," opposed by whom is not mentioned distinctly, but it is later stated that "the President after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question thereon". Evidently the framers of these rules were of opinion that none but a member of the House should have the right to oppose the motion. But section 64 of the Government of India Act, 1935, empowers the Ministers and the Advocate-General to speak in, and otherwise take part in the proceedings of, the Legislative Assembly, and, where there is a system of bicameral legislature, both the Chambers of the legislature. It appears to me, Sir, that the Act is definite on this point. Section 51 of the rules is, therefore, contrary to section 64 of the Act. The Rules cannot override the provisions of the Act. This is my humble submission.

Mr. HUMAYUN KABIR: I would submit, Sir, that since the Hon'ble Mr. Nausher Ali has withdrawn his opposition to the introduction of it, the question of whether Ministers are entitled to introduce a motion in this House or not will come up to-morrow, as for the first time the Ministers will introduce a motion in this House. We have only one day for the private members Bill and as time is being taken for discussion, I would submit that we might close the discussion at this stage and postpone it till to-morrow when the Hon'ble President might give a ruling.

Mr. PRESIDENT: Has the Hon'ble Minister withdrawn his opposition?

The Hon'ble Mr. SYED NAUSHER ALI: The ruling was that this was not the stage at which I can oppose. I did not say that I have withdrawn my objection. You were pleased to say that the stage at which I can take objection under section 82(*3*) has not yet arrived and when that was your definite ruling I have stood aside. In that case I would respectfully ask your decision as to what would be the exact stage when I may rise in opposition and I would most respectfully ask for your ruling on that point.

Mr. PRESIDENT: I do not like to pass any opinion on a point of order for future occasion, but I can only suggest that when the motion will be for passing the Bill that is the stage when this objection should be raised.

The Hon'ble Mr. H. S. SUHRAWARDY: May I draw your attention to one rule? Section 14 of the Rules and Standing Orders, for instance, says "The President, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own

arguments or of the arguments used by other members in debate, may direct him to discontinue his speech." Does that imply that members are always to be considered to be members of this House and that the Ministers are outside the rule and that we may persist in irrelevancy or in tedious arguments?

Mr. E. C. ORMOND: May I, Sir, make one suggestion? I am not sure if it is not the same suggestion that has been made by the hon'ble member last before the Hon'ble Minister. The opposition, as I understand, of the Hon'ble Minister was based only on one ground, that is, that the Bill sought to be introduced was inconsistent with section 82 (*3*) of the Government of India Act, 1935. That ground, Sir, you have ruled to be non-existent at this stage. That being so, would it not save the time of the House if the Hon'ble Minister withdrew his opposition on this occasion without in any effect prejudicing his right to claim the right to oppose the Bill in future? You will appreciate, Sir, and the House will appreciate that his withdrawing his opposition is based on the fact that you have ruled that the opposition is on a non-existent ground, and in order to save the House from waste of time in going to a division on an opposition which is on a non-existent ground, it will seem reasonable for the Minister to withdraw. I cannot see how that can in the least affect his right or his claim to oppose the Bill in future.

Mr. PRESIDENT: If any time is taken for the discussion of this point, I do not think it is wasted at all. It is a very important constitutional point and the Hon'ble Mr. Nausher Ali well knows that it is a well-known Parliamentary convention not to oppose introduction ordinarily, except, of course, under very special circumstances. My difficulty is this that he certainly has the right to speak in opposition, but section 51 of the Rules and Standing Orders enjoins that at this stage two men can speak—one who proposes it and another who opposes it. So if he insists then I shall have to give my ruling now; but if he agrees that this is not the time to raise his objection, he will not insist on opposition at this stage, I will not be called upon to give a ruling.

Rai MANMATHA NATH BOSE Bahadur: The question which has arisen for discussion in this connection is that whether a Cabinet Minister who is not a member of this House, has any right to oppose the introduction of any Bill. Now, reference has already been made to section 64 of the Government of India Act, 1935, and reliance has also been placed by my friend appearing on my right on section 51 of the Rules and Standing Orders to show that the Cabinet Ministers have absolutely no right to oppose a motion. If you kindly read these two things together, I mean section 64 of the Government of

India Act, 1935, and section 51 of these Rules and Standing Orders, you will find, Sir, that they not only do not contradict each other as was mentioned by my friend Rai Keshab Chandra Banerjee Bahadur, but, as a matter of fact, they are complementary. My submission to you, Sir, is this, that so far as this opposition matter is concerned the language of section 64 of the Act is entirely vacant and, as a matter of fact, that vacancy has been filled up by section 51 of the Rules and Standing Orders. What I mean to say is that so far as moving a motion and opposing a motion is concerned, section 51 of the Rules and Standing Orders distinctly points out that, as a matter of fact, those who are members of the Council are the only persons who can move and oppose. If this be the rule of this Legislative Council, then I beg to submit that it is not a question of overruling section 64 of the Government of India Act, 1935, but there was a gap and that gap is filled up by section 51 of the Rules and Standing Orders and as such there is no irregularity, no contradiction and no material obstruction. I beg to submit that, as a matter of fact, section 51 distinctly goes to show that a member and a member alone can oppose a motion and as such if it be held that a Cabinet Minister is not a member of this House, which undoubtedly is true, he has absolutely no right to oppose.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I wish to speak a few words in this connection. To me it seems the word "proceedings" in section 64 of the Government of India Act, 1935, is significant. The import of the word is wide enough to include motions and oppositions. A person opposing a motion is certainly taking part in the proceedings. The rule being repugnant to the clear provisions of the Act, the section will prevail.

Sir, although I am very jealous of our rights as members of this House; regard for fairness compels me to take this view.

Mr. KADER BAKSH: Mr. President, Sir, the point has been thoroughly discussed by able lawyers like Mr. Dutta, Mr. Das and Rai Manmatha Nath Bose Bahadur and others. Now, Sir, your honour knows full well that the section is an enabling section, that is, it removes certain disabilities on the part of certain individuals, and on the part of Ministers it removes certain disabilities. If one reads the section it is quite clear that the disability which remains is a disability of voting; all the disabilities are taken away by the section itself. So, Sir, as the enabling section cannot be exhaustive, it only says that they can take part in the proceedings. Now, Sir, the introduction of a Bill is certainly a proceedings and when they can take part in a proceedings, certainly they have a right to take part in the discussion.

Mr. PRESIDENT: I shall be very glad to hear Maharaja Sir Manmatha Nath Ray Chowdhury on this point.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, Kt., of Santosh: It is very kind of you, Sir, to call upon me to make what little contribution I can to the debate. I would certainly advise you, Sir, if it is not presumption on my part, to base your ruling on the provisions of the Act itself. When any rule made thereunder by virtue of section 84(*1*) of the Act is repugnant to any provision of the Act itself, that provision shall prevail and the rule shall to the extent of the repugnancy, be void. I may give you an instance in respect of which I, as President of the old Bengal Legislative Council, declared a rule, which provided that a closure motion in order to be effective must be carried by the votes of at least two-thirds of the members present and voting, as *ultra vires*, as it was in conflict with a provision of the Act itself which definitely laid down that in a Governor's Legislative Council all questions shall be determined by a majority of votes of the members present. I, therefore, submit that to save time the discussion on the point of order raised be confined to section 64 of the Government of India Act, 1935.

With your permission I shall, therefore, proceed to examine section 64 of the Act which is binding on us all in spite of any rule that might have been framed under the Act. In my humble opinion section 64 of the Act gives to a Minister all rights and privileges of a member in respect of the proceedings of the Council and also imposes on him all restrictions which are imposed on a member by the Act or the rules framed thereunder in spite of the fact that a Minister is not a member, of course, without prejudice to any restriction specifically dealt with in any provision of the Act itself. As for instance, a Minister cannot vote. If you Sir, rule otherwise, I am afraid such a ruling will defeat the purpose of section 64 of the Act. It will create innumerable difficulties. Let me cite only one. Take for instance, if the member in charge of a Bill moves that the Bill be referred to a Select Committee, the Minister concerned shall not be able to move that the Bill be circulated for eliciting public opinion, or if the member moves for the consideration of the Bill, the Minister concerned shall not be able to move that the Bill be referred to a Select Committee and for that matter a Minister shall not be able to make any motion in the House. This is an impossible condition. It will check all his legitimate activities and convert him into a mere speaking machine.

Khan Bahadur M. ABDUL KARIM: Mr. President, Sir, to me the point appears to be a very simple one. I would refer first of all to section 84 of the Government of India Act, 1935, under which a Chamber of a Provincial Legislature may make rules, subject to the

provisions of this Act, that is to say, section 64 of the Act must and can override any rules contrary to the spirit of section 64. Therefore, Sir, my humble opinion is——

Mr. PRESIDENT: Khan Bahadur, that is not contested.

Khan Bahadur M. ABDUL KARIM: I am not going into that. Sir, the question is whether a Minister is a member in the first place; let me start from the bottom first, when the Ministers are present in this Council they may not be members *de jure* but they are *de facto* members for certain specified purposes; that is to say, so far as they are entitled to take part in the proceedings. Now, Sir, in this case some distinction has to be made between the initiation of proceedings and the opposition to proceedings. After a proceeding has commenced by the introduction of a certain Bill in the House by a particular member when that proceeding has commenced by initiation by a *de jure* member of this House, any *de facto* member of this House can take part in the proceeding after it has commenced. But the Ministers on their side cannot initiate any proceeding by the introduction of any measure. Then I should like you to take into consideration this aspect of the case, viz., there is a disability on their part to initiate any proceedings, because section 64 of the Act says that they can take part in a proceeding, but that proceeding has to be initiated by a regular member or an ordinary member of this House. Therefore, in my humble opinion after a measure is introduced by a non-official member of this House, it is quite within the rights of an Hon'ble Minister to take part in opposing it.

The Hon'ble Mr. NALINI RANJAN BARKER: I cannot present the budget here.

Mr. PRESIDENT: Khan Bahadur, after a measure is once initiated by a member the Ministers can under the provisions of section 64 of the Act take part in that proceedings. So your contention is that the Ministers cannot initiate any proceedings but they can oppose.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I Sir, draw your attention to sections 23 and 24 of the Rules and Standing Orders. First of all section 23 says:—

> "A member who wishes to ask a question shall give fifteen days' notice of his intention and shall, together with the notice, submit a copy of the question he wishes to ask."
>
> "Provided that the President may, with the consent of the Minister in charge of the Department to which the question pertains, allow a question to be put at shorter notice than fifteen days."

"Provided also that no member shall, unless he has obtained the special permission of the President, be permitted to send in notice of more than twelve questions during one session of the Council, exclusive of any question that may have been carried over for reply from a previous session."

Section 24 says:—

"A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed."

Sir, here the word "Member" means "Minister". Unless it does so, then who will reply to the question, Sir?

Mr. PRESIDENT: Do you seriously contend that you are members of both Houses?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, we seriously contend that we are members of this House as far as section 64 of the Government of India Act, 1935 permits us.

Mr. PRESIDENT: If you refer to section 68 of the Government of India Act, 1935, you will find that you cannot be a member of two Houses and in order to be a member of this House, you shall have to resign your membership of the Lower House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Here the exception is enumerated and under section 64 of the Act all the privileges are enumerated.

Mr. PRESIDENT: Section 68 of the Government of India Act says that no person shall be member of both Chambers of a Provincial Legislature, ...etc. So it is clear that you cannot claim membership of this House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that provision refers to election but this is a different matter.

Mr. PRESIDENT: Do you still contend that you claim to be members of both Houses?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: We have got all the rights except that of voting as is clearly laid down in section 64 of the Act.

Mr. PRESIDENT: Under that section you have not only the right to speak but also to take part in the proceedings. I have got from different countries the Standing Orders dealing with the rights of Ministers in both the Houses of Legislatures. Although you can take

part in proceedings, you are excluded not only from voting but also from the right of constituting a quorum and claiming a division, etc., etc., which are enjoyed by members. In some of the constitutions Ministers who have got the right to sit and speak in the Senate without being members thereof, shall not make motions relating to "the election of officers of the Senate, the making of rules, the upholding of privileges, the censuring of members and the fixing of the date of adjournment, of the place of meeting, and of the Orders of the Day." It is not a rare procedure; it obtains in the Legislatures of some other countries. Then you seriously contend that you are excluded merely from voting while you have every right of a member?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: If I may explain, Sir, what my friend the Hon'ble Revenue Minister meant by saying is that the Ministers are members of both the Houses for certain purposes. So in the Act itself there is certainly a provision by which one Minister cannot be a member of both the Houses. What he meant was that in the rules framed there was no distinction made between a member and a Minister?

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, Kt., of Santosh: May I draw your attention, Sir, to rule 50(*1*) of the Bengal Legislative Council Rules and Standing Orders which says that any member other than a Minister desiring to introduce a Bill....., etc. Does it not imply that a Minister may also introduce a Bill?

Mr. E. C. ORMOND: May I Sir, put a point of order—if it is a point of order at all, for your consideration? As you have just told us that we have 20 minutes more out of the time allotted to the introduction of private members' Bills, I submit whether we should be wasting our time over this matter. But by this I do not intend for a moment to question the importance of this matter. I had an idea that as the subject would come up to-morrow in any case, members would have an opportunity of looking into the matter. So would you not consider it more convenient to let this matter stand over for the time being? Possibly the Hon'ble Minister in spite of his attitude shown in the earlier part of the debate might withdraw his opposition.

The Hon'ble Mr. SYED NAUSHER ALI: Sir, I have already submitted that I have accepted your ruling with regard to this point. I would, however, raise my objection at the proper stage.

Mr. BANKIM CHANDRA DATTA: I rise, Sir, on a point of information. The Hon'ble Minister for Local Self-Government read out before us an opinion given by the learned Advocate-General. May I know what was the case on which the said opinion was given. Will he kindly place the opinion on the table?

Mr. PRESIDENT: Order, order: As the Hon'ble Minister has withdrawn his objection, there shall be no further discussion on this point.

The motion that leave be given to Mr. Ranajit Pal Choudhury to introduce the State Provision for Chemical and Bacteriological Examination Bill, 1937, was put and agreed to.

Mr. PRESIDENT: As the result of the adoption of motion No. 1, of the Appendix to the List of Business motion Nos. 3-5, 10-12, 14 and 18, of the said appendix automatically lapse.

The Bengal Municipal (Amendment) Bill, 1937.

Mr. NUR AHMAD: I beg to move for leave to introduce the Bengal Municipal (Amendment) Bill, 1937.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

The Bengal Medical (Amendment) Bill, 1937.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I beg to move for leave to introduce the Bengal Medical (Amendment) Bill, 1937.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

The Bengal Fisheries Bill, 1937.

Mr. SHRISH CHANDRA CHAKRAVERTI: I beg to move for leave to introduce the Bengal Fisheries Bill, 1937.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

The Bengal Dentist Bill, 1937.

Mr. HUMAYUN KABIR: I beg to move for leave to introduce the Bengal Dentist Bill, 1937.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

The Bengal Local Self-Government (Amendment) Bill, 1937.

Mr. MESBAHUDDIN AHMED: I beg to move for leave to introduce the Bengal Local Self-Government (Amendment) Bill, 1937.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

Mr. PRESIDENT: As motion No. 22 is an identical motion, it automatically lapses.

The Bengal Patni Taluks Regulation (Amendment) Bill, 1937.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I beg to move for leave to introduce the Bengal Patni Taluks Regulation (Amendment) Bill, 1937.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

Mr. NARESH NATH MOOKERJEE: I would like to know whether an amendment can be moved at this stage.

Mr. PRESIDENT: No amendment can be allowed to be moved at the introduction stage. You can do that at the consideration stage of the Bill.

The Bengal Cruelty to Animals (Amendment) Bill, 1937.

Mr. LALIT CHANDRA DAS: I beg to move for leave to introduce the Bengal Cruelty to Animals (Amendment) Bill, 1937.

The motion was put and agreed to.

The Secretary read short title of the Bill.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: May I point out that motion No. 16 has been omitted?

Mr. PRESIDENT: That motion cannot be moved now. You will have your chance later on.

The Bengal Revenue Sales (Amendment) Bill, 1937.

Mr. NUR AHMAD: I beg to move for leave to introduce the Bengal Revenue Sales (Amendment) Bill, 1937.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

The Bengal Local Self-Government (Amendment) Bill, 1937.

Mr. HUMAYUN KABIR: I beg to move for leave to introduce the Bengal Local Self-Government (Amendment) Bill, 1937.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

The Bengal Relief to the Poor and Unemployed Bill, 1937.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move for leave to introduce the Bengal Relief to the Poor and Unemployed Bill, 1937.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This being a financial Bill, it cannot be introduced in this House, but in saying this, I am not opposing the Bill; I am only participating in the debate.

Mr. PRESIDENT: At the introduction stage, only the mover can speak, but you will certainly be permitted to do so at a later stage. The parliamentary convention is that there should be no discussion at the introduction stage.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not opposing the motion, but I simply want to draw your attention to section 82(3) of the Government of India Act.

The Hon'ble Mr. H. S. SUHRAWARDY: Would it have been right, Sir, on the part of the administrative department after it went to the department from your office to bring it to your notice that such a Bill ought not to be introduced in the House.

Mr. PRESIDENT. That ought to have been the case. It is the general practice that as soon as we get a notice of a Bill or resolution or question, we send a copy of it to the administrative department concerned and that department is not only entitled to, but is welcome, to give its views. In that case, the President is bound to consider the department's point of view.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am much obliged to you, Sir, for your instruction.

The motion was then put and agreed to.

The Secretary read the short title of the Bill.

The Calcutta Municipal (Amendment) Bill, 1937.

Mr. SHRISH CHANDRA CHAKRAVERTI: I beg to move for leave to introduce the Calcutta Municipal (Amendment) Bill, 1937.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

The Bengal Agricultural Debtors (Amendment) Bill, 1937.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move for leave to introduce the Bengal Agricultural Debtors (Amendment) Bill, 1937.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

The Bengal Primary Education (Amendment) Bill, 1937.

Mr. NUR AHAMED: I beg to move for leave to introduce the Bengal Primary Education (Amendment) Bill, 1937.

The motion was put and agreed to.

The Secretary read the short title of the Bill.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, before I move my motion, I ask your permission to amend the personnel of the Select Committee. I propose that Sir George Campbell, who is no longer a member of this House, may be replaced by Dr. Radha Kumud Mookerji.

Mr. PRESIDENT: The member who moves a Bill cannot himself move an amendment. May I take it that there is no objection to taking the Bill to the second stage?

Khan Bahadur ATAUR RAHMAN: This Bill, I think, Sir, instead of being sent to the Select Committee should be circulated for eliciting public opinion. Very important questions are involved in this Bill—between zemindars and not only patnidars but other tenure-holders also. It is also a question of great public importance. Although I am neither a zemindar nor a tenure-holder, I myself think that this Bill ought to be circulated for eliciting public opinion on account of its importance.

Mr. PRESIDENT: Khan Bahadur, are you moving for circulation of the Bill?

Khan Bahadur ATAUR RAHMAN: Yes; I move for circulation.

Mr. PRESIDENT: First of all, I should like to know if anybody objects under section 53 of the Rules and Standing Orders that copies have not been received by him. It is not necessary for me to ask members this question, but as this is a new House, I am asking them if they have received copies before seven days of the introduction.

Mr. NAZIRUDDIN AHMAD: I beg to raise an objection, Sir. I got a bunch of Bills only yesterday, and even now some of my friends have not got it at all. So, in these circumstances section 53 applies; and if the Bill is to be of any use, it requires careful consideration before we make up our mind whether it should be referred to a Select Committee or circulated for eliciting public opinion. I have had no time to consider this Bill properly. That is my line of objection, Sir.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I object to reference of the Bill to Select Committee, and I move that the Bill be circulated for eliciting public opinion.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: There is no motion for amendment, Sir, regarding circulation of this Bill for eliciting public opinion. If there be any other amendment, there is no objection; but at this stage, Sir, I do not think any member can raise that point.

Mr. PRESIDENT: The difficulty is that when a motion is made to refer a Bill to Select Committee, the very fact of reference commits the House to the acceptance of the principles of the Bill. The motion of Khan Bahadur Ataur Rahman wants that the Bill be circulated for eliciting public opinion, which avoids the House being committed to its principles for the present. If any member has any objection to the principle of the Bill, this is the time for doing so, and I do not think that I shall be justified in suspending the Rule requiring seven days' notice. But if the motion for eliciting public opinion is accepted, though there is no previous notice before the House, and if the Raja Bahadur accepts that motion, the House is not committed to the principle of the Bill in any way and the President in exercise of his power of suspending the rule may allow the motion to be made.

Mr. HUMAYUN KABIR: May I point out, Sir, that motion No. 16 has not been moved yet? I simply saw the mover getting up and saying a few words, but he did not move his amendment formally.

Mr. PRESIDENT: The Raja Bahadur moved his motion, I understand.

Mr. HUMAYUN KABIR: He could not have moved it, Sir, because he wanted to substitute some names in place of the existing ones. I submit that he did not formally move it.

Mr. PRESIDENT: The second stage for the Select Committee has not yet been reached. If there is any objection under section 53 of the Rules and Standing Orders, then the President will either have to suspend the rule or refuse permission to move. So, I am trying to ascertain the views of the House, because reference to a Select Committee commits the House to the acceptance of the principle of a Bill.

Mr. HUMAYUN KABIR: As has been pointed out, Sir, the Bill has not been circulated in time. That is my objection, Sir.

Mr. PRESIDENT: The same objection has been raised by Mr. Naziruddin Ahmad. So, when there have been objections for reference to Select Committee, I do not want to suspend the rule under section 53. This motion, therefore, cannot be moved to-day.

Mr. NAZIRUDDIN AHMAD: To make matters short, I may say, Sir, that this section of the House raises the same objection to every one of the Bills.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I submit, Sir, that there is no amendment with regard to circulation. Is it your ruling that an amendment to that effect can be moved now?

Mr. PRESIDENT: I have given my ruling that you cannot move it because there are objections. So that matter is concluded. As regards Mr. Ranajit Pal Choudhury's Bill, I am similarly not in a position to suspend that rule. So, I hope you will not press for it to-day.

Mr. RANAJIT PAL CHOUDHURY: I do not want to press for it, Sir, but I just want to put forward one point. I got the Bill at a very late stage, and I did not have seven days to give the requisite notice. It is not due to any fault of mine that I could not give members an earlier notice.

Mr. PRESIDENT: It may not be due to anybody's fault, but members have the right to get seven days' notice.

Rai KESHAB CHANDRA BANERJEE Bahadur: Are we to understand, Sir, that under section 53 of the Rules and Standing Orders consideration of the various Bills now before the House will be postponed until due notice is given?

Mr. PRESIDENT: Yes. I shall now adjourn the Council till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 13th of August, 1937.

Members present:

The following members were present at the meeting held on the 12th August, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Banerjee, Rai Bahadur Keshab Chandra.
(6) Barua, Dr. Arabinda.
(7) Bose, Rai Bahadur Manmatha Nath.
(8) Chakraverti, Mr. Shrish Chandra.
(9) Chaudhury, Mr. Moazzemali.
(10) Chowdhury, Khan Sahib Abdul Hamid.
(11) Chowdhury, Mr. Rezzaqul Haider.
(12) Chowdhury, Mr. Humayun Reza.
(13) Cohen, Mr. D. J.
(14) Das, Mr. Lalit Chandra.
(15) Datta, Mr. Bankim Chandra.
(16) Datta, Mr. Narendra Chandra.
(17) D'Rozario, Mrs. K.
(18) Dutta, Mr. Kamini Kumar.
(19) Ellahi, Mr. S. Fazal.
(20) Goswami, Mr. Kanai Lal.
(21) Haider, Nawabzada Kamruddin.
(22) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(23) Hossain, Mr. Latafat.
(24) Huq, Mr. Syed Muhammad Ghaziul.
(25) Ibrahim, Khan Bahadur Maulvi Mohammad.
(26) Kabir, Mr. Humayun.
(27) Karim, Khan Bahadur M. Abdul.
(28) Khan, Khan Bahadur Muhammed Asaf.
(29) Laidlaw, Mr. W. B. G.
(30) Maitra, Rai Bahadur Brojendra Mohan.
(31) McKerrow, Mr. J. A.
(32) Momin, Begum Hamida.
(33) Mookerjee, Mr. Naresh Nath.

(34) Mukherji, Rai Bahadur Satis Chandra.

(35) Ormond, Mr. E. C.

(36) Pal Choudhury, Mr. Ranajit.

(37) Poddar, Mr. H. P.

(38) Rahman, Khan Bahadur Ataur.

(39) Rahman, Mr. Mukhlesur.

(40) Rashid, Kazi Abdur.

(41) Ray, Mr. Nagendra Narayan.

(42) Ray Chowdhury, Maharaja Sir Manmatha Nath, Kt., of Santosh.

(43) Roy Chowdhury, Mr. Krishna Chandra.

(44) Sanyal, Mr. Sachindra Narayan.

(45) Sarker, Mr. Indu Bhusan.

(46) Sen, Rai Sahib Jatindra Mohan.

(47) Singh Roy, Mr. Saileswar.

(48) Sinha, Rai Bahadur Surendra Narayan.

(49) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

Members absent:

The following members were absent from the meeting held on the 12th August, 1937:—

(1) Chowdhury, Mr. Khorshed Alam.
(2) Chowdhury, Mr. Humidul Huq.
(3) Esmail, Khwaja Muhammad.
(4) Hossain, Mr. Mohamed.
(5) Jan, Khan Bahadur Shaikh Muhammad.
(6) Khan, Maulana Muhammad Akram.
(7) Lamb, Mr. T.
(8) Molla, Khan Sahib Subidali.
(9) Mookerji, Dr. Radha Kumud.
(10) Nicholl, Mr. C. K.
(11) Ray, Rai Bahadur Radhika Bhushan.
(12) Shamsuzzoha, Khan Bahadur M.
(13) Wilmer, Mr. D. H.

Ministers Present:

The following Hon'ble Ministers attended the meeting held on the 12th August, 1937.

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A., (Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Sir Bijoy Prasad Singh Roy, KT., M.L.A.

(5) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(6) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(7) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, M.L.A.

(8) The Hon'ble Nawab Musharruf Hosain, Khan Bahadur, M.L.A.

(9) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(10) The Hon'ble Mr. Prasanna Deb Raikat, M.L.A.

(11) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 13th August, 1937, at 2-15 p.m., being the seventh day of the Second Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-two members and eleven Ministers were present.

Notification.

Mr. PRESIDENT: Before we take up the normal business of the day, I would like to bring to the notice of the House a Notification which I received at 2 p.m. to-day. The letter is from the Government of Bengal, Home Department, Constitution and Elections Branch, dated the 13th August, 1937, and reads as follows:—

No. 11949 A.R., dated Calcutta, the 13th August, 1937.

Notification by—The Government of Bengal, Home (Constitution and Elections) Department.

In exercise of the power conferred by sub-section (*3*) of section 84 of the Government of India Act, 1935, the Governor is pleased to make the following adaptations in the Rules and Standing Orders of the Bengal Legislative Council (as it existed prior to the 1st April, 1937) in their application to the Bengal Legislative Council as now constituted, namely:—

1. For the definition of "member" in Rule 2 and Standing Order 2 (Section 1), the following shall be substituted, namely:—

"member" means a member of the Council and, except in the Rules and Standing Orders hereinafter mentioned, includes a person referred to in section 64 of the Act—

Rule 3 (Section 6), Standing Order 3 (Section 2);

Rule 4 (Section 7), Standing Order 5 (Section 5);

Rule 5 (Section 4), Standing Order 60 (Section 100);

Rule 49 (Section 110);

Rule 51 (Section 112);

"member in charge of the Bill" means, in the case of a Governmen Bill, any member as defined above acting on behalf of the Governmen and, in any other case, the member who has introduced the Bill.

2. In Rule 22 (Section 55)—

(*a*) the figure and brackets "(*1*)", and

(*b*) sub-rule (*2*),

shall be omitted.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will this order not be circulated to the members of the House?

97. Mr. LATAFAT HOSSAIN: (*a*) Will the Hon'ble Minister in

QUESTIONS AND ANSWERS

Bengal Government Press.

97. Mr. LATAFAT HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing the following particulars, year by year, from 1922 to 1936—

(*i*) the total amount which was spent in buying new machines for the Bengal Government Press with—

(1) their names,

(2) the nature of the work performed by each machine, and

(3) their respective prices;

(*ii*) the cost price of the old machines at the time they were purchased; and

(*iii*) their sale price?

(*b*) Will he also be pleased to state if 20 or 25 per cent. discount is offered to private purchasers by the manufacturer or his agents?

(*c*) If the answer to (*b*) be in the affirmative, was such discount obtained by the authorities of the Bengal Government Press?

(*d*) If the answer to (*c*) be in the affirmative, what was the amount of the discount which was credited to Government account?

(*e*) If no such discount was obtained, will the Hon'ble Minister be pleased to explain the reason thereof?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): So far as questions 97, 101, 116 and 118 are concerned, replies have been prepared by my office. As the replies have just been prepared, it was not possible to get them printed in time, but with your permission I can read the answers.

Mr. PRESIDENT: I think we can take them up on Monday next.

Sanitary and financial condition of certain districts.

98. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether during the last five years the sanitary and financial conditions of the districts of Nadia, Murshidabad and Jessore have become worse than before?

(*b*) If so, will the Hon'ble Minister state whether the gradual silting up of the rivers in those districts is one of the causes for such bad conditions?

(*c*) If so, will the Hon'ble Minister be pleased to state whether any steps have been taken by Government to prevent the silting up of those rivers?

(*d*) If so, what are the steps?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Kasimbazar): I am sorry the reply is not yet ready but I will try to give the reply as soon as possible.

Mr. PRESIDENT: Will it be ready by Monday next because the House will be prorogued very soon and the questions will lapse?

The Hon'ble Mr. NALINI RANJAN SARKER: If any of the questions are not answered by Monday, and if we do not raise any objection as regards fresh notice being given, I think the questions can be kept alive for the next session.

Mr. PRESIDENT: Certainly that would facilitate matters and it would also be easier for me to condone the delay on the part of Government.

Percentage of Hindus and Mussalmans in certain examinations.

99. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Education Department be pleased to state what is the annual percentage of successful and unsuccessful candidates

among Hindus and Mussalmans in the Matriculation and Intermediate Examinations of the Calcutta University and of the Dacca Intermediate Board, respectively, for the last ten years?

The Hon'ble Mr. SYED NAUSHER ALI (on behalf of the Minister in charge of Education Department): I have been asked by the Hon'ble Mr. A. K. Fazlul Huq to say that the answers could not be got ready. He has directed his office to prepare the answers by Monday, if possible.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There are two questions which I can answer to-day though printed answers are not ready.

Mr. PRESIDENT: It would be better if the answers are printed by Monday so that members may have facilities to put supplementary questions.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Some of the questions of the 11th August were also not answered and these have not been included here.

Mr. PRESIDENT: I understand that that was due to a mistake, on the part of the office. Those questions will be included in the list of questions for Monday.

If a member is absent, anybody with the permission of the Chair may ask the question on his behalf.

Mr. MOAZZEMAL CHAUDHURY: May I have your permission to ask the question of Mr. Hamidul Huq Chowdhury?

Mr. PRESIDENT: Yes

Extension of High Court building.

100. Mr. MOAZZEMALI CHAUDHURY (on behalf of Mr. Hamidul Huq Chowdhury):—(a) Is the Hon'ble Minister in charge of the Judicial and Legislative Department aware that the High Court building is overcrowded owing to want of space and consequent difficulties suffered by the members of the legal profession and the public attending the Court?

(*b*) Is it in contemplation of the Government to extend the High Court building by constructing suitable additional structures?

(*c*) Is the Hon'ble Minister aware that there is no lift provided in the High Court and the hardship consequently caused to the Judges and the members of the legal profession?

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab MUSHARRUf Hosain, Khan Bahadur): (*a*) and (*b*) The office of the Official Receiver has recently been moved outside the High Court building releasing additional accommodation for the Court. It is understood that proposals are being submitted for utilising this accommodation.

(*c*) Provision has been made in the budget for 1937-38 for the erection of two lifts.

Mr. BANKIM CHANDRA DATTA: For whom are these lifts primarily meant?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: For the Judges.

Mr. BANKIM CHANDRA DATTA: What about the poor litigants and the members of the legal profession?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: If there is any necessity, it will be subsequently constructed for them.

Retrenchment in Government expenditure.

101. Mr. MOAZZEMALI CHAUDHURY (on behalf of Mr. Hamidul Huq Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether Government contemplate taking any steps to bring about retrenchment in the expenditure of Government?

(*b*) If so, what are the steps contemplated?

(*Vide* answer to question No. 97.)

Communal feeling in Pabna.

102. Mr. MOAZZEMALI CHAUDHURY (on behalf of Mr. Hamidul Huq Chowdhury): (*a*) Has the attention of the Hon'ble Minister in charge of the Home Department been drawn to the serious communal ill-feeling in Pabna?

(*b*) If so, will the Hon'ble Minister be pleased to state whether it is a fact that the feeling has been worked up by a section of the Press and some interested people?

(*c*) If the answer to (*b*) be in the affirmative, is the Hon'ble Minister considering the desirability of taking immediate steps in accordance with law to stop such propaganda?

(*d*) Is the Hon'ble Minister satisfied with the ability of the local officers to check local disorders?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) It is not correct that there is serious communal ill-feeling in Pabna.

(*b*) Interested parties and certain sections of the Press have exaggerated the importance and effect of some recent incidents in Pabna.

(*c*) It is hoped that the dissemination of accurate information will remove any misapprehensions that may still exist.

(*d*) Yes.

Cost of suppression of terrorist activities.

103. Mr. MOAZZEMALI CHAUDHURY (on behalf of Mr. Hamidul Huq Chowdhury): Will the Hon'ble Minister in charge of the Home Department be pleased to state the total amount spent during the last ten years from the provincial revenue for the suppression of terrorist activities under all heads including the expenses of maintaining extra police and military forces for the detenus?

The Hon'ble Khwaja Sir NAZIMUDDIN: Statistical information is not available in the form desired by the hon'ble member and to compile it specially would entail an expenditure of time, labour and money, which I am not prepared to impose on my department.

Political prisoners in the Andamans.

104. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) how many political prisoners are there now in the Andamans;

(*ii*) how many of them have been placed in division II; and

(*iii*) how many in division III?

(*b*) What principle is generally followed in the classification of such prisoners?

(*c*) Is the Hon'ble Minister considering the desirability of introducing a new political classification and placing political prisoners in divisions according to their education and social status?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) There are 244 prisoners in the Andamans convicted by the Courts of this province of offences committed in the furtherance of the terrorist movement;

(*ii*) 48;

(*iii*) 196.

(*b*) Prisoners are classified according to their social status, education and habit of life under rule 617 of the Bengal Jail Code, Vol. I, a copy of which is in the Library.

(*c*) No amendment of the rule to which I have just referred is under consideration at present but I propose to take up this question after this session is over.

Political prisoner Amalendu Bagchi.

105. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that political prisoner Amalendu Bagchi is a graduate of the Calcutta University and comes of a respectable *zemindar* family of Bengal?

(*b*) Has he been placed in division III?

(*c*) If so, why?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*), (*b*) and (*c*). Amalendu Bagchi has been placed in Division III by the trying court. I have no information about his education and social status. Such cases do not come before Government unless the prisoner is classed in a division higher than Division III.

Mr. LALIT CHANDRA DAS: Is it a fact that the Andaman prisoners desire that they all be classed in one class, namely, class B?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is so, Sir.

Mr. LALIT CHANDRA DAS: What stands in the way of bringing them in the same class?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is against the rules in force at present.

Mr. RANAJIT PAL CHOUDHURY: Do the Government contemplate any relaxation of the rules?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the hon'ble member to answer to the question 104 (*c*) of this session.

Climatic condition of the Andamans.

106. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the climatic condition of the Andamans suits the political prisoners?

(*b*) Is it a fact that prisoners generally suffer from pneumonia, blood-dysentery and malaria?

(*c*) If so, is this due to the rains there for more than nine months in a year?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*), (*b*) and (*c*) I have no reason to think that the climate is unsuitable for prisoners. I understand that the health of the Settlement has much improved in recent years owing to the reclamation of swamps and other prophylactic measures and that the incidents of malaria, dysentery and tuberculosis is not high.

Mr. SACHINDRA NARAYAN SANYAL: Will the Hon'ble Minister in charge of the Home Department be pleased to say if he has ever been to that place and if he has got personal experience.

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. LALIT CHANDRA DAS: Is it a fact that Sir William Vincent reported that it is unfit for human habitation?

The Hon'ble Khwaja Sir NAZIMUDDIN: That was in 1921. It has since improved enormously.

Mr. HUMAYUN KABIR: Am I to understand from the answer given by the Hon'ble Minister in charge of the Home Department that the climate is unsuitable for persons other than prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Football ground and books for Andamans prisoners.

107. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the football ground for the 300 Andamans prisoners about which mention was made by the Home Minister is only equal in extent to a tennis ground?

(*b*) Whether the political prisoners in the Andamans are supplied with books and newspapers by the authorities?

(*c*) Is it a fact that only the weekly *Statesman* and *Sanjibani* are supplied to the prisoners?

(*d*) Are political news as a rule censored?

(*e*) Is the Hon'ble Minister considering the desirability of supplying Indian daily newspapers to the political prisoners?

(*f*) Is it a fact that the dead bodies of the three prisoners on hunger-strike, namely, Mahabir Sinha, Mohit Mohan Maitra, and Mohan Kishore Namadas, were thrown into the sea?

(*g*) Will the Hon'ble Minister state why the bodies could not be burnt according to Hindu rites?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Cellular Jail at Port Blair is not under the administration of this Government, and I am, therefore, not in a position to supply the information desired by the hon'ble member.

Mr. LALIT CHANDRA DAS: If it is so, is the Hon'ble Minister taking any information about the present state of these prisoners in the Andamans?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that this does not arise out of the question that was put long before the hunger-strike started.

Allowances for home internees.

108. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that a large number of home-internees do not get any allowance in spite of repeated prayers?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) their number;

(*ii*) their names; and

(*iii*) the reasons for not granting allowances?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) An allowance is made to all persons interned in their homes under orders passed by Government under section 2 (*1*) of the Bengal Criminal Law Amendment Act, 1930.

(*b*) Does not arise.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state that in spite of the rule there are complaints that some of the home-internees are not given any allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: Those complaints do not exist at the present time; they might have existed before.

Employment of detenus after release.

109. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Government have made or intended to make any special arrangement for employment of the detenus trained in the Government Industrial Camps after their release? If so, what?

The Hon'ble Khwaja Sir NAZIMUDDIN: The attention of the hon'ble member is invited to Part I of the communique on the subject, published on the 1st September, 1936. Effect has been given to the scheme described therein, and all ex-detenus who have been released on the completion of their period of training have received or will receive credit facilities to enable them to establish small industrial or agricultural concerns.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether in addition to the relief given, Government contemplate giving some other facilities to those who are released to make a start in their life?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is a resolution which is going to be discussed on Monday. I will ask the hon'ble member to await the announcement of Government's policy in this matter.

Mr. NARENDRA CHANDRA DATTA: Will the Hon'ble Minister be pleased to state if credit facilities will be allowed to them on personal securities or any facilities will be allowed in addition to credit facilities?

The Hon'ble Khwaja Sir NAZIMUDDIN: That has been fully explained in the communique and I would again request the hon'ble member to look that up. I have got the information at hand.

Bengalees in the Calcutta Police.

110. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the number of Bengalees in proportion to the non-Bengalees employed in the Calcutta Police as—

(*i*) officers;

(*ii*) constables; and

(*iii*) sergeants?

(*b*) What are the grades of salaries of the three classes of police named?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) A statement is laid on the table.

Statement referred to in the answer to question No. 110.

Number of Bengalees and their percentages in the Calcutta Police Force as it stood on 31st July, 1937.

Rank.	Total.	Non-Bengalees.	Bengalees.	Percentage of Bengalees to total Number.
Deputy Commissioners ..	7	5	2	28·57
Assistant Commissioners ..	10	4	6	60
Inspectors	64	34	30	46·87
Sub-Inspectors	116	22	94	81·89
Sergeants	216	216	Nil	Nil
Assistant Sub-Inspectors ..	152	11	141	92·76
Head Constables .	421	421	Nil	Nil
Constables .. .	4,572	4,316	256	5·59
Sepoys	424	424	Nil	Nil
Lorry Drivers	12	12	Nil	Nil
Dandies	28	28	Nil	Nil
Manjhies	5	5	Nil	Nil
Steam Launch Staff ..	49	1	48	97·95
Buglers	2	2	Nil	Nil

Deputy Commissioners draw pay according to the superior scale in the Indian Police, while others draw pay as follows:—

Name or designation of posts.	Unrevised rates of of pay.	Revised rates of of pay.
1	2	3
	Rs.	Rs.
Assistant Commissioners of Police.	425—25—625 ..	350—50/2—550.
Inspectors ..	225—25/2—350 ..	200—25/2—325.
Sergeants ..	200—5/2—250 ..	200—5/2—250.
Sub-Inspectors ..	150—5/2—200 ..	125—5/2—185.
Jamadars, Armed Police ..	50—6/2—80 ..	50—6/2—80.
Assistant Sub-Inspectors ..	30—1—40—2—50 (Efficiency bar after 11th stage).	30—2/2—42—4/2—50(Efficiency bar after 12th stage).
Head Constables (Mounted) ..	40—1—50 ..	40—2/2—50.
Head Constables (Foot) ..	32—1—42 ..	32—2/2—42.
Constables (Mounted) ..	30—1—40 ..	30—2/2—40.
Constables (Foot) ..	25—29 by increments of Re. 1 after 3, 7, 10 and 17 years' approved service.	25—29 by increments of Re. 1 after 3, 7, 10 and 17 years' approved service.
Lorry Drivers ..	60 ..	60.
	Port Police Establishment.	
Motor Launch Serang ..	30 ..	30
Motor Launch Sukhani	do	do

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether Government are going to adopt a policy of employing henceforth only Bengalees?

The Hon'ble Khwaja Sir NAZIMUDDIN: The question is under consideration of Government.

Reserve forest in Chittagong.

111. Mr. NUR AHAMED: (*a*) Has the attention of the Hon'ble Minister in charge of the Forests and Excise Department been drawn to the hardships and inconveniences which are being suffered by the villagers living roundabout the reserve forest in the Chittagong district on account of the enforcement of present rules and regulations about reserve forest?

(*b*) Is the Hon'ble Minister considering the desirability of appointing a committee to go into the working of present forest laws and regulations with a view to their modification in such a way that the poor villagers are benefited from the reserve forests?

MINISTER in charge of FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikat): (*a*) Yes, but the hardships and inconveniences to which the villagers living in forest borders in Chittagong are said to be subjected by the present forest rules, are more imaginary than real. The existing transit rules are identical with those previously in force, with such modifications as present circumstances demand. The rates of royalty for grazing, fuel, bamboos, etc., are too low to require revision. They allow a good margin of profit if the produce extracted from forests by the villagers is sold in the market.

(*b*) No.

Alleged cause of the suicide of Sj. Santosh Canguly.

112. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Sj. Santosh Kumar Ganguly had been suffering from appendicitis before he committed suicide?

(*b*) Is it a fact that the Medical Officer of the Deoli Camp gave him assurance that he would be transferred to the Ajmer Hospital for treatment?

(*c*) Is it a fact that this Medical Officer could not implement his assurance?

(*d*) Is it a fact that, thus exasperated, Sj. Santosh Kumar Ganguly committed suicide?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*d*) It was suspected by the medical officers who attended the detenu some time before his death that he had had a mild attack of appendicitis but the Magistrate who held the inquest, came to the conclusion on the basis of a *post-mortem* examination, that he had been cured. There was evidence that the detenu had been eager to have an operation but there is nothing to justify the view that the detenu committed suicide because no operation was performed. Competent medical officers were opposed to operating before the cold weather.

Mr. SHRISH CHANDRA CHAKRAVERTI: Does the Hon'ble Minister suggest that he was cured after the operation?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is a matter entirely under the control of the Government of India. I have given the information that was published after enquiry by the Government of India on that. I have nothing further to add on that subject.

Detenus arrested and detained in 1930 and 1931.

113. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the names of persons arrested and detained under the Criminal Law Amendment Act in 1930 and 1931?

(*b*) Names of those persons who have not yet been released?

(*c*) The places of their detention?

(*d*) The names of persons arrested and detained without trial under Regulation III of 1818 since 1930?

(*e*) The places where they have been kept under detention?

(*f*) The names of persons detained without trial in 1931, 1932, 1933, 1934, 1935, 1936, 1937 up to 31st of March and in 1937 since the 1st of April?

(*g*) The names of persons detained under the Bengal Criminal Law Amendment Act and under Regulation III of 1818, respectively released conditionally in 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937 up to 31st of March and in 1937 since the 1st of April.

(*h*) The names of persons detained under the Bengal Criminal Law Amendment Act and under Regulation III of 1818, respectively, released unconditionally in 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937 up to 31st of March and in 1937 since the 1st of April.

The Hon'ble Khwaja Sir NAZIMUDDIN: With your permission, Sir, I propose to answer questions Nos. 113, 114 and 119 together.

The statements desired by the hon'ble member cannot be prepared without an expenditure of time, labour and money, which Government are unable to undertake.

Mr. SHRISH CHANDRA CHAKRAVERTI: That is the answer we have been receiving in respect of practically all the questions. Is that the stock answer that the Hon'ble Minister is prepared to give us and that we are to be satisfied with the same?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I submit, Sir, that I have been doing nothing else but answering questions this afternoon? In cases where questions are actually stock questions the answers given are stock answers.

Certain details about detenus.

114. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing—

(*a*) the names of persons detained under the Bengal Criminal Law Amendment Act and under Regulation III of 1818 respectively who were either lawyers, doctors, engineers, businessmen, professors of colleges and teachers of schools before their arrest;

(*b*) the names of persons detained under the Bengal Criminal Law Amendment Act and under Regulation III of 1818 who were college students before their arrest;

(*c*) the names of persons detained under the Bengal Criminal Law Amendment Act and under Regulation III of 1818 respectively who were school children before their arrest; and

(*d*) the names of persons detained under the Bengal Criminal Law Amendment Act and under Regulation III of 1818 respectively who do not come under all the categories mentioned?

(*Vide* answer to question No. 113.)

Detenu Sj. Subimal Sarkar.

115. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Sj. Subimal Sarkar, B.SC. (Eng.), was earning a sum of Rs. 250 per month as an engineer before his arrest in October, 1932?

(*b*) Is it a fact that he was contributing monthly about Rs. 100 to his aged and invalid parents for their maintenance?

(*c*) Is it a fact that an allowance was not granted for his aged and invalid parents?

(*d*) Is it a fact that Sj. Subimal Sarkar was granted a fortnight's leave and thereafter a fortnight's extension in June to see his ailing father at Rajshahi?

(*e*) Is it a fact that he applied for a further extension of his leave?

(*f*) Is it a fact that he was taken away from his ailing father and transferred to Presidency Jail before the receipt of a reply to his application for further extension of leave?

(*g*) Will the Hon'ble Minister state—

(*i*) whether his application for further extension was rejected;

(*ii*) if so, why he was not timely informed; and

(*iii*) if not, why he was not allowed to remain with his ailing father at Rajshahi till the receipt of the formal reply to his application rejecting his prayer?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*), (*b*) and (*c*) I am informed that this detenu returned home from Malay in December, 1931, after having relinquished his appointment there and that until his arrest in October, 1932, he did nothing but render some slight assistance in his father's contracting business. No allowance was granted for some time after his arrest as the family required no assistance. Recently, however, an allowance has been sanctioned as the condition of the family has changed for the worse.

(*d*) Yes.

(*e*) Government have received no such application.

(*f*) and (*g*) Do not arise.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state the amount of allowance that has been sanctioned to him?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. PRESIDENT: A notice of a short-notice question was given by Mr. Kamini Kumar Dutta. Is the Hon'ble Minister willing to answer it?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. I want notice.

Bengal Government Press.

116. Mr. NARESH NATH MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether new printing machines are again being indented in the Bengal Government Press?

(*b*) Is it a fact that the existing machines in the Bengal Government Press are more than that required?

(*c*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister state the reasons thereof?

(*d*) Will the Hon'ble Minister lay a statement showing—

(*i*) the existing number of printing machines in the Bengal Government Press with the dates of indent of each machine;

(*ii*) the capacity of output of each machine per hour;

(*iii*) the price of each machine; and

(*iv*) the actual output given by each machine per hour for the years 1935-36 and 1936-37 with the registered numbers of works done in each machine?

(*Vide* answer to question No. 97.)

117. Mr. NARESH NATH MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact that special leave is admissible under the rules to the employees of the Bengal Government Press who are suspected of suffering from lead poisoning?

(*b*) If so, is it a fact that they are sent to the Medical College Hospital for examination?

(*c*) If so, is it a fact that they are required to stay in the hospital for two or three months?

(*d*) Will the Hon'ble Minister state whether the authorities of the said Press generally grant medical leave due in these suspected lead poisoning cases?

(*e*) If not, is the Hon'ble Minister considering the desirability of taking necessary steps?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) Yes.

(*b*) Yes.

(*c*) I understand that they are kept in the hospital for sometime between six weeks and three months.

(*d*) and (*e*) I gather that the hon'ble member desires to know whether the practice has been to give medical leave instead of special leave in these cases. The answer is in the affirmative. I have passed orders that in future special leave shall be granted in such cases.

118. Mr. NARESH NATH MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact that in the Bengal Government Press promotion is made without any reference to or consideration of seniority or efficiency, but at the whims of the authorities?

(*b*) If so, why?

(*c*) Is it a fact that the interests of the efficient and senior Readers have adversely been affected on account of supersession of one Balaram Acharya by one Monomohan Ghosh?

(*d*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the remarks as to—

(*i*) efficiency;

(*ii*) seniority;

(*iii*) qualification; and

(*iv*) special qualification as to knowledge of different languages of the readers-in-charge and readers of the Bengal Government Press?

(*e*) If the answer to (*c*) be in the negative, will the Hon'ble Minister state the reason whereby the said Monomohan Ghosh was selected for the promotion?

(*f*) If the answer to (*c*) be in the affirmative, will the Hon'ble Minister enquire into the matter?

(*Vide* answer to question No. 97.)

Particulars about detenus.

119. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing—

(*a*) the names of detenus interned in villages in 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937 up to 31st of March and in 1937 since the 1st of April;

(*b*) the names of such villages;

(c) the general conditions of health of those villages;

(d) the names of detenus interned at home in 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937 up to 31st of March and in 1937 since the 1st of April;

(e) the names of detenus kept in Deoli, Hijli and Berhampore Detention Camps, respectively; and

(f) the names of detenus kept in jails?

(*Vide* answer to question No. 113.)

LEADER OF THE HOUSE.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, Kt., of Santosh: Mr. President, Sir, may I crave your indulgence to rise on a point of order? Sir, following the ruling which you were pleased to give on Monday last with regard to the appointment of the Leader of the House for the Upper Chamber, may I ask you for a ruling as to who is competent to make that appointment and under what authority, and if the appointment is made by convention, whether the Leader of the House must be a Member of the Cabinet as has always been the case in India and elsewhere in order to be able to speak authoritatively on behalf of Government on matters relating to the business of the House and the procedure which the Government wishes to follow in respect thereof? I do not press for an answer just now. I submit that you may be pleased to give your best consideration to the points I have raised and give a ruling whenever you please before the Council is prorogued.

Mr. PRESIDENT: The hon'ble member well knows that unless a point of order actually arises the President is not called upon to give any ruling and when it would be necessary for the Government to announce business of the House I shall certainly give my ruling.

RULES COMMITTEE.

Motion under section 117 of the Rules and Standing Orders.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to move that a committee consisting of—

(1) The Deputy President,

(2) Maharaja Sir Manmatha Nath Ray Chowdhury, KT., of Santosh,

(3) Mr. J. A. McKerrow,

(4) Khan Bahadur M. Abdul Karim,

(5) Dr. Radha Kumud Mookerji,

(6) Mr. Naziruddin Ahmad,

(7) Mr. Kamini Kumar Dutta,

(8) the Hon'ble Mr. H. S. Suhrawardy, and

(9) the mover,

be appointed to draft rules for regulating the procedure and conduct of business of this Council under the provisions of sub-section (*1*) of section 84 of the Government of India Act, 1935, with instructions to submit the draft rules for the consideration of this Council by the 15th November, 1937; that the number of persons whose presence shall be necessary to constitute a quorum of the said committee shall be four; and that during the consideration by this Council of such draft rules the procedure relating to Bills as set out in the Rules and Standing Orders as modified and adapted for this Council, under sub-section (*3*) of section 84 of the Government of India Act, 1935, shall, so far as may be, be followed.

Sir, the purpose of this motion is self-explanatory aud I do not want to waste the time of the House by inflicting a speech. I would only appeal to the hon'ble members to confine the Comimttee to the dimension I have proposed. Mr. J. A. McKerrow has intimated his unwillingness to serve on the Committee because he will not find sufficient time to devote for the purpose of this Committee. In his place he has suggested Mr. E. C. Ormond. I am also given to understand that Dr. Radha Kumud Mookerji will not be available here always for the purpose of this Comimttee. So I am prepared to accept the name of any hon'ble member from the Congress Group. I would also appeal to the members not to press their amendments for inclusion of new names. I can assure the members that whenever any Committee is proposed next time, we shall consult the party leaders beforehand as to the personnel. It has, however, not been possible to consult the party leaders this time because the resolution had to be sent in in a hurry.

Mr. PRESIDENT: The motion has been moved. The amendments for the substitution of names may be moved now.

Mr. NARESH NATH MOOKERJEE: I beg to move by way of amendment that the name of Mr. Bankim Chandra Datta be substituted in the place of the name of Dr. Radha Kumud Mookerji.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I accept the amendment.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, I rise on a point of order. May I enquire whether the rules will have effect from just now or after they have been gazetted?

Mr. PRESIDENT: As soon as it is promulgated it will have its effect.

The motion that the name of Mr. Bankim Chandra Datta be substituted in place of the name of Dr. Radha Kumud Mookerji was put and agreed to.

Mr. J. A. McKERROW: Sir, I beg to move by way of amendment that in item No. 6 of the List of Business, dated the 13th August, 1937, for the words "Mr. J. A. McKerrow" the words "Mr. E. C. Ormond" be substituted.

As a matter of personal explanation may I say that Mr. Ormond is much more skilled in these matters than myself? It is not as the Hon'ble Finance Minister has said that I am too busy to work on the Committee.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I accept the amendment.

The motion that the name of Mr. E. C. Ormond be substituted in place of the name of Mr. J. A. McKerrow was put and agreed to.

Mr. PRESIDENT: There are several amendments to the Hon'ble Finance Minister's original motion. I think that after the explanation of the Hon'ble Finance Minister the amendments will not be moved, and I am not bound to call upon the members who have sent in their notices of amendments unless they rise in their places.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I beg to move by way of amendment that in item No. 6 of the List of Business, dated the 13th August, 1937, the word "and" at the end of No. (8), shall

be omitted and after the figure and words "(9) the mover," the following figures and words shall be added, namely:—

"(10) Mr. Shrish Chandra Chakraverti,

(11) Mr. Lalit Chandra Das,

(12) Mr. Humayun Kabir, and

(13) Mr. Moazzemali Chaudhury *alias* Lal Mia."

Mr. PRESIDENT: I would like now to have all the amendments together.

Rai SURENDRA NARAYAN SINHA Bahadur: Sir, in view of the statement made by the Hon'ble Finance Minister and the assurance he has given that after the draft rules are prepared he will consult the other members formally, I think it is unnecessary to put in my amendment.

Mr. SHRISH CHANDRA CHAKRAVERTI: As the House is satisfied with the personnel of the Committee, I do not wish to press my amendment. I would therefore ask for leave to withdraw it.

The motion was then, by leave of the Council, withdrawn.

Then the original motion, as amended in Council, was put and agreed to.

Mr. PRESIDENT: There are two other notices of motions from non-official members relating to this matter—they are independent motions. But as it is a Government day, under the Rules and Standing Orders no such motions can be allowed.

I should like to intimate to the House that I received a letter signed by 26 members for an additional day for the discussion of resolutions. I had a discussion with His Excellency the Governor, and His Excellency has been pleased to allot another day, namely, Monday, the 16th of August, 1937, for the consideration of non-official resolutions. The notification runs as follows:—

"In continuation of Order No. 11469 A.R., dated the 31st July, 1937, and in exercise of the power conferred by section 16 of the Bengal Legislative Council Rules and Standing Orders, the Governor is pleased to allot Monday, the 16th of August, for the disposal of non-official resolutions."

I have also received a requisition signed by more than 23 members that the resolution about the detenus—Item No. 41 of the List of Resolutions—should take precedence. So, I direct, under section 100 (*I*) of the Rules and Standing Orders, on Monday, the 16th, we shall take up that resolution first.

Adjournment.

The Council then adjourned till 2-15 p.m on Monday, the 16th August, 1937.

Members present:

The following members were present at the meeting held on the 13th August, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Banerjee, Rai Bahadur Keshab Chandra.
(6) Barua, Dr. Arabinda.
(7) Bose, Rai Bahadur Manmatha Nath.
(8) Chakraverti, Mr. Shrish Chandra.
(9) Chaudhury, Mr. Moazzemali.
(10) Chowdhury, Khan Sahib Abdul Hamid.
(11) Chowdhury, Mr. Khorshed Alam.
(12) Chowdhury, Mr. Rezzaqul Haider.
(13) Chowdhury, Mr. Humayun Reza.
(14) Cohen, Mr. D. J.
(15) Das, Mr. Lalit Chandra.
(16) Datta, Mr. Bankim Chandra.
(17) Datta, Mr. Narendra Chandra.
(18) D'Rozario, Mrs. K.
(19) Dutta, Mr. Kamini Kumar.
(20) Ellahi, Mr. S. Fazal.
(21) Goswami, Mr. Kanai Lal.
(22) Haider, Nawabzada Kamruddin.
(23) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(24) Hossain, Mr. Latafat.
(25) Huq, Mr. Syed Muhammad Ghaziul.
(26) Ibrahim, Khan Bahadur Maulvi Mohammad.
(27) Kabir, Mr. Humayun.
(28) Karim, Khan Bahadur M. Abdul.
(29) Khan, Khan Bahadur Muhammed Asaf.
(30) Khan, Maulana Muhammad Akram.
(31) Laidlaw, Mr. W. B. G.
(32) Lamb, Mr. T.
(33) Maitra, Rai Bahadur Brojendra Mohan.

(34) McKerrow, Mr. J. A.
(35) Molla, Khan Sahib Subidali.
(36) Momin, Begum Hamida.
(37) Mookerjee, Mr. Naresh Nath.
(38) Nicholl, Mr. C. K.
(39) Ormond, Mr. E. C.
(40) Pal Choudhury, Mr. Ranajit.
(41) Rahman, Khan Bahadur Ataur.
(42) Rahman, Mr. Mukhlesur.
(43) Rashid, Kazi Abdur.
(44) Ray, Mr. Nagendra Narayan.
(45) Ray Chowdhury, Maharaja Sir Manmatha Nath, KT., of Santosh.
(46) Roy Chowdhury, Mr. Krishna Chandra.
(47) Sanyal, Mr. Sachindra Narayan.
(48) Sarker, Mr. Indu Bhusan.
(49) Sen, Rai Sahib Jatindra Mohan.
(50) Singh Roy, Mr. Saileswar.
(51) Sinha, Rai Bahadur Surendra Narayan.
(52) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

Members absent:

The following members were absent from the meeting held on the 13th August, 1937:—

(1) Chowdhury, Mr. Hamidul Huq.

(2) Esmail, Khwaja Muhammad.

(3) Hosain, Mr. Mohamed.,

(4) Jan, Khan Bahadur Shaikh Muhammad.

(5) Mookerji, Dr. Radha Kumud.

(6) Mukherji, Rai Bahadur Satis Chandra.

(7) Poddar, Mr. H. P.

(8) Roy, Rai Bahadur Radhika Bhusan.

(9) Shamsuzzoha, Khan Bahadur M.

(10) Wilmer, Mr. D. H.

Ministers present:

The following Ministers attended the meeting held on the 13th September, 1937:—

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A. (Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Sir Bijoy Prasad Singh Roy, KT., M.L.A.

(5) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(6) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.

(7) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, M.L.A.

(8) The Hon'ble Nawab Musharruf Hosain, Khan Bahadur, M.L.A.

(9) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(10) The Hon'ble Mr. Prasanna Deb Raikat, M.L.A.

(11) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 16th August, 1937, at 2-15 p.m., being the eighth day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-seven members and eleven Ministers were present.

QUESTIONS AND ANSWERS

Fishery Industry.

120. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the supply of fish in Bengal is not equal to the demand?

(*b*) Is it a fact that a large quantity of preserved and canned fish is imported annually?

(*c*) Are the Government aware that there are large possibilities of fish industry for Bengal and also of immense development of the industry?

(*d*) If the answer to the above be in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government intend to take for the development of fisheries in Bengal?

(*e*) Will the Hon'ble Minister please state what steps the Government intend to take to encourage and improve carp culture on scientific and practical lines?

(*f*) Will the Hon'ble Minister please state what steps the Government intend to take to arouse public interest in matters connected with pisciculture and to induce intelligent and educated people to develop the industry on scientific lines?

(*g*) Will the Hon'ble Minister please state what measures the Government intend to adopt for propagation and protection of fish and to establish elaborate and highly organised hatcheries?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) I have no accurate information but I am convinced that an increase in the supply of fish in Bengal is most desirable.

(*b*) I find that figures are not available to show the imports of preserved and canned fish into Bengal.

(*c*) It is my belief that the fish industry offers excellent opportunities for development on profitable commercial lines and it is a matter for regret that no commercial concerns have so far shown any inclination to embark on this very promising venture.

(*d*) The first step which it is proposed to take is to have a comprehensive survey made by a properly qualified expert of the whole industry with a view to ascertaining the lines on which development should proceed. Provision has been made in this year's budget for this purpose and steps are being taken to secure the services of an expert.

(*e*) to (*g*) The survey referred to above will cover all these matters and the action to be taken will be considered after the survey report has been received and considered.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: On a point of order, Sir. I do not find a copy of the question on my table.

Mr. PRESIDENT: I understand that it was duly placed on your table, but it might have been taken away by somebody else.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if there are records of a previous enquiry by a committee of experts brought from England?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Certain enquiries have been made a long time ago and since then the Fisheries Department has been non-existent as a result of retrenchment.

Mr. KAMINI KUMAR DUTTA: Will the expert be brought from outside India or will he be selected in this country?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: We cannot say just now whether he will be an Indian or one from Japan, America or the North Pole.

121. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state if the Government intend to make fishery legislation

with an eye to preserve and protect fish and so define a minimum size-limit below which none of the kinds of fish specified would be taken, regulate mesh of net, prohibit the taking of spawn, the catching and killing of fry and of small sized fish of any specified species, and reserve and set apart special areas of water for encouraging the propagation of fish?

(*b*) Will the Hon'ble Minister state if the Government intend to legislate for control of the fisheries, to facilitate the migration of the fish to and from their feeding and breeding ground, to regulate the nature of precautions and to prevent injurious influences affecting fish life?

(*c*) Will the Hon'ble Minister state what measures the Government intend to adopt to solve the problem of carriage of fish from sea and rivers to market?

(*d*) Will the Hon'ble Minister state if the Government intend to relieve salt required for use in connection with the fish industry, of all duty?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The member is referred to the reply given to clauses (*e*) to (*g*) of question No. 120.

122. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what steps, if any, the Government intend to take to encourage and promote industries, such as, isinglass, oil, manure, fishmeal, vinegar, etc., connected with the fishery industry?

(*b*) Will the Hon'ble Minister please state what steps, if any, the Government intend to take to encourage and improve mollusc culture?

(*c*) Will the Hon'ble Minister please state what steps, if any, the Government intend to take to encourage and improve the smoking, curing and canning of fish and to impart teaching to those who desire to learn the processes?

(*d*) Will the Hon'ble Minister please state what steps the Government intend to take for the establishment of co-operative organisations and to break the ring of middlemen and *mahajans* in the matters relating to the fish industry?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The hon'ble member is referred to the reply given to clauses (*e*) to (*g*) of question No. 120.

Mr. SACHINDRA NARAYAN SANYAL: Are the Government considering the desirability of taking immediate steps in the matter?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Financial Help to father of late Chandra Devi.

123. Rai SURENDRA NARAYAN SINHA Bahadur: Will the Hon'ble Minister in charge of the Home Department be pleased to state what help (financial or otherwise) has been given to the father of the late Rani Chandravati for his daughter's cremation?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): By Rani Chandravati, my hon'ble friend obviously refers to late Chandra (Shandra) Devi, who was in receipt of a pension of Rs. 20 per mensem from the Government of Burma.

On the application of her father, Saw Yan Naing, this Government authorised the Commissioner of Police to pay him Rs. 200 at once in anticipation of the sanction of the Government of Burma. This amount was subsequently sanctioned by the Government of Burma. On further appeal, the Government of Burma sanctioned a further grant of Rs. 300 which was also duly paid to him.

Alleged accusations against Muslim community.

124. Mr. MESBAHUDDIN AHMED: Is the Hon'ble Minister in charge of the Home Department aware that—

(*a*) following the match between Muhammadan Sporting and East Bengal on the 11th June certain papers like the *Statesman* and others published inflammatory accounts of imaginary events likely to arouse communal passions and lead to a breach of the peace;

(*b*) the unfounded accusations levelled against the entire Muslim community have caused bitter feelings of resentment and indignation among the members of the community;

(*c*) if the answer to (*a*) and/or (*b*) be in the affirmative, will he please state what steps, if any, he has taken to curb the communal activities of such papers and to prevent in the future the recurrence of such insinuations and accusations against an entire community;

(*d*) Is he further aware that, out of these alleged incidents, a situation has arisen between the Indian Football Association and the Muhammadan Sporting Club which is likely to aggravate feelings and lead to most regrettable developments; and

(*e*) if the answer to (*d*) be in the affirmative, will he please state what steps he proposes to take for bettering the situation?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A number of newspapers made comments on certain incidents alleged to have occurred on the occasion in question.

(*b*) I am aware that a number of Muslims felt keenly on the subject.

(*c*) Every method that is open to the Press Officer is used to induce the Press to refrain from publishing anything provocative or likely to wound the feelings of other communities.

(*d*) I understand the matter is now closed.

(*e*) No steps appear to be necessary at present on the part of my department.

Recognition of trade unions.

125. Maulana MUHAMMAD AKRAM KHAN: Is the Hon'ble Minister in charge of the Home Department aware, that a tribunal was appointed last year by the Government of Bengal for recognition of trade unions fulfilling the following conditions amongst others—

(*i*) that the union must have at least 250 members who must be members for one full financial year;

(*ii*) that the union must have existed for two years;

(*iii*) that the union must have been registered a year ago?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware of the fact that the Tribunal mentioned by him made a great blunder in recognising certain trade unions?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that.

Detention Camps.

126. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state

separately the following particulars regarding the Deoli Detention Camp, Hijli Detention Camp and Berhampore Detention Camp:—

(*a*) (*i*) the total cost of medicines kept in stock in the hospital each year since the establishment of the Camp;

(*ii*) the total cost of surgical instruments kept in stock in the hospital during the year 1936;

(*iii*) the total cost of medicines dispensed each year since the establishment of the Camp;

(*iv*) the total number of patients admitted to the hospital each year; and

(*v*) the total number of detenus to whom medicines were supplied in their wards?

(*b*) (*i*) Are patent medicines supplied to the detenus?

(*ii*) If not, what is done when proper medicines are found wanting in the hospitals?

(*c*) What is the number of detenus of each of the Camps sent outside the Camp for treatment?

(*d*) What is the average total number of detenus in each year in each of the Camps?

(*e*) (*i*) What is the number of wholetime physicians in each Camp and what are their qualifications?

(*ii*) What is the number of wholetime compounders in each Camp and what are their qualifications?

(*f*) What is the prevalent disease, if any, to which the detenus of each Camp are subjected?

(*g*) What are the special diseases, if any, to which the detenus of each Camp become subjected?

(*h*) What arrangements are made for the segregation of the patients—

(*i*) who are suspected to be suffering from tuberculosis; or

(*ii*) who have contracted any contagious disease?

(*i*) Are ordinary prisoners engaged in kitchen and hospital work thoroughly examined before they are engaged in order to ascertain whether they are free from any contagious diseases?

(*j*) What is the average cost of medical diet per head per diem?

(*k*) What is the average cost of ordinary diet per head per diem?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*k*) The Detention Camp at Hijli is no longer in existence; that at Deoli is under the

administrative control of the Government of India and I am, therefore, not in a position to give, in regard to it, the information desired by the hon'ble member. I place on the table a statement giving the desired information in respect of the Camp at Berhampore.

Statement referred to in the answer to question No. 126.

		Rs.	A.	P.
(*a*) (*i*) 1932	...	5,590	14	9
1933	...	9,345	12	6
1934	...	6,274	11	0
1935	..	3,381	10	6
1936	.	1,819	2	6
1937 (up to June)	...	865	6	6
(*ii*) Rs. 1,290				
(*iii*) 1932	.	5,490	0	0
1933	...	9,120	0	0
1934	...	6,030	0	0
1935	..	3,150	0	0
1936	...	1,610	0	0
1937 (up to June)	...	625	0	0

		Total number admitted to Hospital.
(*iv*) 1932	...	199
1933	...	498
1934	...	638
1935	...	772
1936	...	404
1937 (up to June)	...	171
(*v*) 1932	...	10,803
1933	...	22,065
1934		26,677
1935	...	28,107
1936	...	23,904
1937 (up to June)	...	13,734

(*b*)(*i*) Yes, always when prescribed by the Civil Surgeon.

(*ii*) The occasion has never arisen where medicines have not been at hand.

		Sick.	Infectious.
(*c*)	1932	... 3	... Nil
	1933	... 14	... Nil
	1934	... 29	... 2
	1935	... 39	... 2
	1936	... 34	... 8
	1937 (up to June)	... 6	... Nil

(*d*)	1932	... 233·65
	1933	... 457·41
	1934	... 470·15
	1935	... 477·39
	1936	... 439·68
	1937 (up to June)	... 397·01

(*e*) (*i*) Four, two M.B.s and two L.M.F.s.

(*ii*) Two compounders with the compounders' certificate and one compounder and one dresser with the compounders' and dressers' certificate.

(*f*) Indigestion.

(*g*) Nil.

N.B.—No death has occurred in the Camp since its institution.

(*h*) (*i*) and (*ii*) They are treated in an Isolation Ward.

(*i*) These are examined on arrival at the Camp gate by the Medical Officer on duty. There are also fixed examinations on the first Sunday of every month by the doctor and other inspections are held by him as required. The Commandant also holds regular inspections.

(*j*) Annas fourteen and pies six per head per diem.

(*k*) Annas twelve and pies six per head per diem.

Jute Mill strikes.

127. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(1) the number of Jute Mill strikes in Bengal in course of the last three years; and

(2) the number of labour strikes in other industries in Bengal for the same period giving—

(*i*) the names of the industries affected, and

(*ii*) the names of the places where these industries are located?

(*b*) In how many cases firing was resorted to by the police?

(*c*) What steps are Government taking to prevent such strikes in future?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) I would refer the hon'ble member to the Annual Reports on Industrial Disputes issued by my office.

(*b*) None.

(*c*) Strikes cannot be wholly prevented. There are various causes which lead to a strike, some economic, some political. I shall deal with strikes which are economic in character. They are brought about by unrest due to economic grievances which have not been considered or met. There is a recognised method of placing these grievances for consideration which unhappily is not followed in many cases. Strikes occur even before the grievances have been placed before the employers and without notice. As strikes form a legitimate weapon in the hands of the labourers, I am not disposed to consider any legislation to prevent strikes. At the same time I propose with such staff as I may get to overhaul the conditions of service in each industry, and ameliorate the lot of the workers. I am considering various steps to bring the employers and the employees more into contact with each other, and establish between them a bond of sympathy and a feeling of co-operation. I want to encourage genuine Trade Unionism which I think is the best safeguard to an unreasonable strike. I have asked in the Budget for Labour Officers who will get into touch with the labourers, ascertain their condition, assist them in their day-to-day difficulties, present their case to the employers and suggest to Government various measures for ameliorating their condition. I hope these and similar steps will minimise the necessity for economic strikes.

Mr. SACHINDRA NARAYAN SANYAL: What does the Hon'ble Minister mean by unreasonable strikes?

The Hon'ble Mr. H. S. SUHRAWARDY: A strike is unreasonable when the workers have no legitimate grievances to place before their employers.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware of the fact that the foundation of the Labour Department in every part of the world is making enquiries as to the cost of living, and if so, will he be prepared to institute such an enquiry?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, when I get the proper staff for it.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if he is prepared to consider in this connection the establishment of an arbitration board which can look into all labour disputes?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state the reason for his categorical denial?

The Hon'ble Mr. H. S. SUHRAWARDY: An arbitration board is established when there are certain disputes to be settled under certain statutory enactments. There is no necessity for an arbitration board in connection with a general enquiry into the conditions of labour.

Mr. HUMAYUN KABIR: Is it not a fact that such arbitration boards have been set up in other countries not only to deal with particular disputes which may arise from time to time but also to deal generally with the relation between Labour and Capital?

The Hon'ble Mr. H. S. SUHRAWARDY: They are not arbitration boards but are committees of enquiry through which Government permit collective associations of employers and employees to come together for the purpose of laying down the conditions of labour.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Does the Trade Disputes Act cover an enquiry when there is a dispute?

The Hon'ble Mr. H. S. SUHRAWARDY: I would like the hon'ble member to refer to the Trade Disputes Act itself. If there is a dispute, there can be a committee of enquiry or a conciliation board.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that arbitration boards with powers of undertaking conciliatory measures can be set up in England under the Mondturner's scheme?

The Hon'ble Mr. H. S. SUHRAWARDY: Unless there is a dispute, there cannot be a conciliation.

Mr. KAMINI KUMAR DUTTA: With your permission, may I put the question No. 128 in the absence of Dr. Radha Kumud Mookerji?

Mr. PRESIDENT: Yes.

March of troops past Muragacha High English School.

128. Mr. KAMINI KUMAR DUTTA (on behalf of Dr. Radha Kumud Mookerji): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that on or about the 10th February, 1937, a company of troops marched past the Muragacha High English School in Nadia district?

(*b*) Is it a fact that the boys of the said school were assembled by its authorities on the roadside under the direction of its President to salute the troops?

(*c*) If the answer to both these questions be in the affirmative, will the Hon'ble Minister be pleased to state if such an enforced salutation to the military is a salutary measure for the upbringing of the boys?

The Hon'ble Khwaja Sir NAZIMUDDIN: With your consent, I propose to answer these questions and some others in the next session of the Council.

Promotion in Executive Branch, Bengal Civil Service.

129. Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to stato if some of the recent promotions to listed posts from the members of the Executive Branch, of the Bengal Civil Service have caused considerable resentment and disappointment to many senior officers of that service?

(*b*) Will he be pleased to state if he proposes to consult the Public Service Commission in the matter by placing before them the character rolls of the senior officers passed over in order to ascertain whether such supersession is justified?

Mr. PRESIDENT: From the office note, I find that the notice of question No. 129 was sent on the 28th June, 1937. As this is the first session of the Council, I can realise the difficulty.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, first of all, I may submit that you have started a rule which does not obtain in Assembly under which members are allowed to put more than 12 questions. I

have tried to answer a number of questions as far as was possible. We have been very busy all these days and as a matter of fact it has not been possible for me to attend to some answers which are ready. Then some of these questions have had to go to His Excellency and these have not come back from him. All the delay has been due to the fact that there has been a tremendous pressure of work.

Mr. PRESIDENT: It is not strictly correct to say that I have discarded the rule, but in very many cases considering that the House is newly elected, I have exercised my discretion in not restricting the number of questions. The present rules are mere adaptations, but so far as Upper Houses are concerned there is generally no restrictions as to the number of questions put by individual members.

Khan Bahadur ATAUR RAHMAN: Have these questions to be renewed?

Mr. PRESIDENT: The Hon'ble Minister has assured us that even without notice, these questions will be answered at the next session.

Mr. SACHINDRA NARAYAN SANYAL: Sir, I want to know positively whether the Hon'ble Minister will be able to give the answer in the next session?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not understand this question, considering the fact that over 50 questions have been answered.

Bengal Government Press.

130. Mr. KRISHNA CHANDRA ROY CHOWDHURY (on behalf of Mr. Latafat Hossain): (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing the following particulars, year by year, from 1922 to 1936—

(*i*) the total amount which was spent in buying new machines for the Bengal Government Press with—

(1) their names,

(2) the nature of the work performed by each machine, and

(3) their respective prices;

(*ii*) the cost price of the old machines at the time they were purchased; and

(*iii*) their sale price?

(*b*) Will he also be pleased to state if 20 or 25 per cent. discount is offered to private purchasers by the manufacturer or his agents?

(*c*) If the answer to (*b*) be in the affirmative, was such discount obtained by the authorities of the Bengal Government Press?

(*d*) If the answer to (*c*) be in the affirmative, what was the amount of the discount which was credited to Government account?

(*e*) If no such discount was obtained, will the Hon'ble Minister be pleased to explain the reason thereof?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) (*i*) A statement giving the necessary particulars is laid on the Library table.

(*ii*) and (*iii*) A statement is laid on the Library table. In a number of old cases the original purchase price is not known because the records have been destroyed.

(*b*) My information is that no discount was offered.

(*c*) and (*d*) Do not arise

(*e*) I am informed that no discount was claimed because the local agents' prices were understood to be rock-bottom prices permitting of no discount.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is it not a fact, Sir, that some new Lino machines were purchased to cope with the work in connection with the preparation of the electoral rolls?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I want notice of this question

Hill exodus.

131. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) what amount is spent annually for the hill exodus of the Governor and high officials to Darjeeling;

(*b*) who are the officials entitled to be included in the hill exodus;

(*c*) what are the principles that govern the selection of these officials;

(*d*) what was the amount spent during the last hill exodus for the daily and travelling allowances of the—

(*i*) the Hon'ble Ministers,

(*ii*) the Hon'ble the President,

(*iii*) the Hon'ble the Speaker, and

(*iv*) the Secretaries;

(*e*) on how many occasions did each of the officers mentioned in clause (*d*) visit Darjeeling; and

(*f*) for what length of time did each of them stay there on each occasion?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) The approximate annual cost of the visits to Darjeeling of His Excellency the Governor, his staff and household is Rs. 32,500. Against this, however, there is an approximate saving of Rs. 52,000 on the Calcutta establishment. There is thus here not a source of additional expenditure but a substantial set-off against the cost otherwise involved in connection with the move of Government to Darjeeling.

The average annual cost on account of the visits to Darjeeling of the rest of Government during the last 3 years was about Rs. 62,000.

(*b*), (*c*), (*d*) and (*e*). I refer the hon'ble member to the reply which I gave in this House the other day to Question No. 73 put by Rai Surendra Narayan Sinha Bahadur.

(*f*) A statement is laid on the Library Table.

Mr. SACHINDRA NARAYAN SANYAL: Will the Hon'ble Minister be pleased to state if the cost of living in Calcutta is more costly than that of Darjeeling?

The Hon'ble Mr. NALINI RANJAN SARKER: Sometimes it is and sometimes it is not.

Mr. NARESH NATH MOOKERJEE: Is the Hon'ble Minister seriously contemplating giving up of the Autumn exodus to Darjeeling?

The Hon'ble Mr. NALINI RANJAN SARKER: I have not made up my mind. It will depend on the vote of the legislature.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether the expenditure for the Hill Exodus is on the increase or on the decrease?

The Hon'ble Mr. NALINI RANJAN SARKER: It is slightly increasing. Formerly there were seven members and we are now eleven.

Mr. KAMINI KUMAR DUTTA: Is that the only reason for the increase?

The Hon'ble Mr. NALINI RANJAN SARKER: I think so.

Prices of jute received by producers.

132. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what steps are being taken to ensure that the actual jute producers may get the proper price of jute?

(*b*) Will the Hon'ble Minister please state what steps the Government intend to take—

(*i*) to ensure the development of a proper system of marketing of jute;

(*ii*) to improve the demand both internal and external for the commodity;

(*iii*) to adjust the production according to the demand to ensure that the agriculturist gets as large a share as possible of the value of what he produces;

(*iv*) to prevent the agriculturist suffering from seasonal slumps in prices;

(*v*) to finance the agriculturist so that he may perform his operations cheaply;

(*vi*) to explore openings in both the internal and external markets;

(*vii*) to ensure that information as to the openings is available to the agriculturist to make Bengal's production as a whole adjusted to the demand; and

(*viii*) to fix a minimum price for jute?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) and (*b*) These matters are under consideration and I am not yet in a position to make any definite statement as to the exact measures that may be taken. The problems are very complicated and require very thorough and careful consideration as hastily devised remedies might prove disastrous in the long run. Moreover there is the consideration that Bengal is not the only jute-growing province and without the co-operation of the other jute-growing provinces, measures taken in Bengal alone for adjusting supply and demand and fixing prices might

lead to over-production in those provinces with disastrous consequences to the Bengal cultivator, whose interests the Bengal Government desire to protect.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware of the fact that the Central Jute Committee is enquiring into these very matters referred to in this question?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the percentage of jute produced in Bengal and that in other provinces?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I require notice.

Mr. SACHINDRA NARAYAN SANYAL: Will the Hon'ble Minister be pleased to state what is the price of jute produced in Bengal and that in other provinces?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I require notice because I have to write to Bihar and other provinces to find out their prices.

Co-operative production, storage and marketing of jute.

133. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what steps, if any, the Government intend to take to encourage co-operative production, co-operative storage in licensed warehouses and co-operative marketing of jute?

(*b*) Will the Hon'ble Minister state what steps the Government intend to take to encourage co-operative cottage production of jute goods in Bengal?

(*c*) Will the Hon'blo Minister state if the Government are aware that the jute-growers of Bengal ultimately suffer loss every year by the practice of the Indian Jute Mills Association in changing the standard for grading of loose jute?

(*d*) If the answer to (*c*) be in the affirmative, will the Hon'ble Minister state what steps the Government intend to take to ensure fixing a permanent standard for the grading of loose jute?

(e) Will the Hon'ble Minister state the number of non-Indian members and that of the non-Bengali Indian members and that of the Bengali members of the Indian Jute Mills Association?

(f) Will the Hon'ble Minister state if the Government are aware that the price of the jute per maund which the Indian sellers get from the jute mills is less than that got by the non-Indian sellers?

(g) If the answer to (f) be in the affirmative, will the Hon'ble Minister state what steps the Government intend to take to stop this differential treatment to the Indian sellers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Notice of this question was received in my department on the 12th instant. The matters raised concern departments other than mine and I have had no time to collect the information necessary for a reply.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state when he would be able to give the information asked for?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Next session.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware of the fact that the co-operative jute sales societies started by the Co-operative Department proved a disastrous failure?

The Hon'ble Nawab Khwaja HABIBULLA Bahadur, of Dacca: Sir, I have already said that this department is not in my charge; it is in the charge of the Co-operative Minister. He is not present here.

Khan Bahadur ATAUR RAHMAN: Sir, is it not necessary for Hon'ble Ministers to be present here when the Council is in session?

The Hon'ble Mr. NALINI RANJAN SARKER: The Hon'ble Minister in charge of the Co-operative Department is indisposed to-day.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: May I rise on a point of order? Sir, as the Co-operative Jute Sale Societies' work was undertaken by the Co-operative Department, it seems a pertinent question; and the Hon'ble Minister ought to know and reply to it.

The Hon'ble Mr. H. S. SUHRAWARDY: If that question refers to the Minister in charge of the Co-operative Department, the question should have been addressed to him and not to the Minister in charge of the Industries Department.

Mr. LALIT CHANDRA DAS: Sir, may I have your permission to put Mr. Hamidul Huq Chowdhury's question in his absence.

Mr. PRESIDENT: When an hon'ble member who has given notice of a question is absent it is desirable that a member of his party should put the question on his behalf.

Calcutta Maidan.

134. Mr. HUMAYUN KABIR (on behalf of Mr. Hamidul Huq Chowdhury): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) what authority controls the Calcutta Maidan;

(*b*) out of what fund is the Maidan maintained;

(*c*) who pays for the maintenance of the principal roads running through the Maidan;

(*d*) if the Government of Bengal bear any part of the cost of maintenance, what is the annual cost to the Government;

(*e*) who grants the licence to collect fees from the public visiting different games held on the Maidan;

(*f*) how the right to collect such fees is granted;

(*g*) is it by auction or by private arrangement; and

(*h*) what is the total amount thus received from the licences, and how is the money disbursed?

The Hon'ble Khwaja Sir NAZIMUDDIN: Necessary enquiries have not yet been completed; as soon as it is ready the information will be communicated to the hon'ble member.

Retrenchment in Government expenditure.

135. Mr. HUMAYUN KABIR (on behalf of Mr. Hamidul Huq Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether Government contemplate taking any steps to bring about retrenchment in the expenditure of Government?

(*b*) If so, what are the steps contemplated?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) and (*b*) Having regard to the heavy retrenchments of expenditure that were effected during the last 15 years and to the limitations set by the Government of India Act, 1935, I do not believe that there is scope

for any considerable retrenchment, but we shall cut down expenditure wherever we find it desirable and practicable to do so. Every Minister will keep that object in view.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if any scheme for retrenchment is actually in contemplation?

The Hon'ble Mr. NALINI RANJAN SARKER: No scheme has yet been formulated.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether it is the intention of Government to establish such a committee?

The Hon'ble Mr. NALINI RANJAN SARKER: No.

Improvement Trust for Howrah.

136. Mr. BANKIM CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state what progress has been made in respect of the proposal of creating an Improvement Trust for the town of Howrah since the last conference held on the 24th August, 1936, at the Writers' Buildings under the presidency of the Hon'ble Sir Bijoy Prasad Singh Roy, the then Minister in charge of the Local Self-Government Department?

(*b*) Is it a fact that at that conference it was decided to request the Calcutta Improvement Trust authorities to prepare plans and estimates?

(*c*) If so, are the plans and estimates ready?

(*d*) If not, how long will it take to prepare them?

(*e*) Has the Chief Engineer, Public Health Department, been asked to make any estimate regarding sewers?

(*f*) If so, how far has he proceeded with the matter?

(*g*) When does the Hon'ble Minister propose to take up legislation in the matter?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) to (*f*) At the informal conference referred to by the hon'ble member, which was held in August, 1936, it was decided that the Calcutta Improvement Trust should be requested to frame an estimate for the general improvement of Howrah, and the Board of Trustees of

the Calcutta Improvement Trust was addressed accordingly. They replied to the effect that the sewerage project which was an essential part of the scheme should be drawn up before the Trust could frame an estimate of the general improvement of the town. The Chief Engineer, Public Health Department, was then consulted by Government regarding the preparation of the sewerage project and the question of the cost of preparing the sewerage project is now under the consideration of Government. A decision of this question is expected to be reached very soon, and the Chief Engineer, Public Health Department, will then be directed to prepare the sewerage project.

(*g*) As soon as the sewerage project has been prepared, the Calcutta Improvement Trust will be requested to frame an estimate for the general improvement of the town of Howrah. After the scheme has been prepared by the Trust and the total cost involved has been ascertained, Government will be in a position to decide finally as to the sources from which the scheme should be financed and the extent to which each source should be utilised. Until that stage is reached, it would obviously be premature to consider the question of legislation.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state when the Government contemplate to discharge all the sewerage?

The Hon'ble Mr. SYED NAUSHER ALI: The scheme has not yet been prepared, so the question does not arise at this stage.

Mr. BANKIM CHANDRA DATTA: Will the Hon'ble Minister be pleased to state when this stage is likely to be reached as this matter has been hanging fire since 1916.

The Hon'ble Mr. SYED NAUSHER ALI: I have nothing more to add to my answer. A material part of the question has really been answered. A decision is expected to be reached very soon.

Provincialisation of the Calcutta Police and the Bengal Police.

137. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is considering the desirability of adopting a policy of progressive provincialisation in the members of the Calcutta Police and the Bengal Police with a view to relieving the growing unemployment in the country?

(*b*) If the answer to (*a*) be in the negative, will the Hon'ble Minister please state the reasons therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) The question has not been raised.

Mr. KAMINI KUMAR DUTTA: Is the Hon'ble Minister aware of the fact that there is a strong public demand for the gradual provincialisation of the police service?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to apply his mind to the fulfilment of that demand?

The Hon'ble Khwaja Sir NAZIMUDDIN: I can assure the hon'ble member that the question will be taken up by me in the near future.

Mr. SACHINDRA NARAYAN SANYAL: Is the Hon'ble Minister aware of the fact that in other provinces no persons other than those belonging to that province are being taken in the service of that province?

The Hon'ble Khwaja Sir NAZIMUDDIN: It may not be so in the case of the Imperial Police Service.

Qualification of certain officers of the Agricultural Department.

138. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state the qualifications and the university degrees of the following officers of the Department of Agriculture, viz:—

(*i*) the officiating Assistant Director;

(*ii*) the officiating Deputy Director of Agriculture, Eastern Circle; and

(*iii*) the officiating Deputy Director of Agriculture, Northern Circle?

(*b*) Have the minimum standard of qualifications for admission into the Bengal Higher and Lower Agricultural Services as published in Government circulars been fulfilled in their cases?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) The officiating Assistant Director is an officer of the Indian Agricultural Service to which he was appointed in 1922.

(*ii*) The officiating Deputy Director of Agriculture, Eastern Circle, is a B.Sc. He was appointed to the Sericulture Department in 1922. Since 1932 he has been Personal Assistant to the Director of Agriculture, Bengal.

(*iii*) The officiating Deputy Director, Northern Circle, was promoted to the Bengal Agricultural Service in 1921 as Superintendent of Agriculture. He is temporarily holding the post of Deputy Director in addition to his own duties.

(*b*) The rules quoted have no application to the case of the Assistant Director who is a permanent member of the Indian Agricultural Service.

Rules prescribing minimum standard qualifications for admission to the Provincial Agricultural Services have no application in the case of promotions of permanent officers of the Department. As both the officiating Deputy Directors referred to are permanent officers, this question does not arise.

Khan Bahadur ATAUR RAHMAN: With regard to answer to question (*a*) (*i*), will the Hon'ble Minister be pleased to state what really are the qualifications of the officiating Assistant Director?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, he is an I.A.R.O. officer and was recruited by the Government of India through the Public Service Commission (India). I cannot say exactly what the qualifications of this officer are.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether the qualifications, he is reported to possess, conform to the minimum standard of the qualifications required for the post?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: May I explain, Sir, that these appointment were made by the late Government, and I am unable to state exactly what the qualifications of the Assistant Directors are, or on what standards these appointments are made.

Mr. HUMAYUN KABIR: Are we to understand from the answer to (*a*) (*ii*), where the Deputy Director is stated to possess the qualification of a B.Sc. and as no mention is made of the qualifications of the Assistant Director, that the qualifications of the latter are less than the B.Sc.?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: There are two ways of appointing officers: one is by direct recruitment

and the other is by promoting those who have done special work in the department. Most probably, in this case the officer concerned was promoted from the Lower Agricultural Service to the Upper Agricultural Service.

Mr. RANAJIT PAL CHOUDHURY: Are such promotions given to those persons who have not got even the minimum qualifications?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I think, Sir, that promotions do not depend solely on qualifications; they depend upon good service and reports from superior officers as well.

Mr. KAMINI KUMAR DUTTA: At the time of promotions, may I know whether the fact that the officer to be promoted possesses the minimum qualifications, is taken into consideration?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Certainly not, Sir.

Alleged discovery of bomb in Deoli Camp.

139. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that 3 Intelligence Branch Inspectors from Calcutta were deputed to enquire into the discovery of a bomb in Camp No. 1 of the Deoli Detention Camp some time ago?

(*b*) Is it a fact that as a result of the enquiry the culprits, some convicts, who were employed as servants of the detenus made a confession to the effect that in order to teach the detenus a lesson they prepared the bomb and put it in Camp No. 1?

(*c*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister state what steps were taken—

(*i*) to punish the convicts concerned; and

(*ii*) to prevent the occurrence of such incidents in future?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Deoli Detention Jail, is under the administrative control of the Government of India; I am therefore not in a position to reply to the questions asked by the hon'ble member.

Mr. KAMINI KUMAR DUTTA: Is it not the duty of the Government of Bengal to inquire from time to time about the prisoners detained outside Bengal, say at Deoli?

The Hon'ble Khwaja Sir NAZIMUDDIN: Whatever may be the duty of Government in this matter about keeping themselves informed with regard to this matter, that question cannot be discused here because it is directly under the Government of India, and to do so would be an infringement of the privileges of that Government.

Mr. RANAJIT PAL CHOUDHURY: Were those unfortunates not sent to Deoli under the recommendation of the Government of Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir; they were sent under the recommendation of the Government of Bengal.

Mr. RANAJIT PAL CHOUDHURY: Does not the Hon'ble Minister think it proper to inquire about their health and things like that when it was they who had recommended that these unfortunates should be sent there?

The Hon'ble Khwaja Sir NAZIMUDDIN: All information about Deoli prisoners can be obtained by the representatives of Bengal in the Central Legislative Assembly, and that is the place where this question should be put. Just as in the case of District Boards it is the member of a District Board who obtains information about that district, and just as in the same way Parliament has refused to answer questions which are dealt with by the Provincial Governments.

Mr. RANAJIT PAL CHOUDHURY: Have we no privilege to inquire about the Deoli prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I again point out that it will create an embarrassing position if this Government or any member of this House were to criticise an action of an officer under the control of the Government of India?

Mr. LALIT CHANDRA DAS: Were the Government of Bengal informed by the Government of India that there was such a thing as the discovery of a bomb in camp No. 1 of the Deoli Detention Camp?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is obvious that this question does not require an answer, because the information must have been supplied to the Government of India direct.

Mr. LALIT CHANDRA DAS: I want to know, Sir, whether the Government of Bengal was informed by the Government of India with regard to this?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Supply of newspapers to detenus.

140. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that portions of the *Statesman* and other approved papers including questions in Legislatures regarding the detenus are censored and not passed on to the detenus of Deoli and other detention camps?

(*b*) Is it a fact that foreign periodicals are subscribed by the detenus living in camps?

(*c*) Is it a fact that articles dealing with the international situation are censored and not passed on to the detenus?

(*d*) Is it a fact that standard books on Materialism and Marxist Philosophy are not allowed to the detenus?

(*e*) Is it a fact that books supporting anti-Marxism are freely supplied to the detenus?

(*f*) If the answers to questions from (*a*) to (*e*) be in the affirmative, will the Hon'ble Minister please state—

(*i*) whether it is a fact that the policy of the Government with regard to the detenus has been to cut them off from all progressive ideas and movements; and

(*ii*) whether the Government under the new Constitution contemplate any change of policy in this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*e*) I am not in a position to give any information about the Deoli Jail which is not under the administrative control of this Government. The outside page of advertisement is deleted from a newspaper before it is supplied to detenus. I am not aware of the excision of other matters from newspapers. Such books on political and economic movements are allowed as have been prescribed by a University for examinations or have been written by authors whose names are an adequate guarantee of a balanced treatment of the subject.

(*f*) (*i*) Government have always encouraged study among detenus and have given them facilities at Government expense to obtain suitable literature.

(*ii*) No.

Mr. HUMAYUN KABIR: May I enquire from the Hon'ble Minister as to the reason why the outside page of advertisement of a newspaper is deleted?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because it is a very ordinary practice to convey information by means of advertisement through the Personal columns. I thought Mr. Kabir knew that.

Applications for redress of grievances of the detenus.

141. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing—

(*a*) the total number of applications to the Government received from the detenus in camps, jails, village domicile or home interned respectively regarding their grievances;

(*b*) the number favourably considered;

(*c*) the number rejected in 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937 up to 31st of March and in 1937 since the 1st of April;

(*d*) the grounds of the refusal;

(*e*) the number as also names of persons transferred from Deoli for mental derangement;

(*f*) the number as also names of the detenus who died in camps;

(*g*) the place of death;

(*h*) the year of death;

(*i*) the nature and duration of their illness;

(*j*) whether the relations of detenus were informed of the death in time;

(*k*) the number as also names of those detenus who committed suicide in camps and jails; and

(*l*) the circumstances that moved them to take such step?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information desired by the hon'ble member is not available, and cannot be obtained without an expenditure of time, labour and money which Government are unable to undertake.

May I, Sir, with your permission answer questions Nos. 142-146 standing in the name of the Hon'ble Mr. Fazlul Huq as he is absent?

Mr. PRESIDENT: Yes.

Alleged supersession in Berhampore Sadar Registration Office.

142. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that in the Sadar Registration Office at Berhampore there has been a case of supersession, caused by the permanent appointment of Shaikh Ali Jan, over the claims of Babu Bankim Chandra Gossain, Head Clerk of Sub-Registry Office at Nimtita and now posted at Kandi (Murshidabad)?

(*b*) Will the Hon'ble Minister state the date of permanent appointment of both the candidates?

(*c*) Will the Hon'ble Minister state their academical qualifications?

(*d*) Will the Hon'ble Minister state the reason for not appointing Babu Bankim Chandra Gossain?

(*e*) Will he be pleased to state whether it is a fact that the All-Bengal Registration Employees' Association wrote a letter to the Inspector-General of Registration, Bengal, on the 4th June, 1937, alleging the above supersession?

(*f*) Will the Hon'ble Minister state what action was taken in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the MINISTER in charge of EDUCATION DEPARTMENT, the Hon'ble Mr. A. K. Fazlul Huq): (*a*) It has been ascertained that Maulvi Shaik Ali Jan has been appointed as a clerk of the Sadar Office, but it does not appear that the claims of Babu Bankim Chandra Gossain have been overlooked by such appointment.

(*b*) Babu Bankim Chandra Gossain—11th March, 1921; and Maulvi Shaik Ali Jan—7th March, 1929.

(*c*) Both Matriculates.

(*d*) The District Registrar considered that Maulvi Shaik Ali Jan was the better of the two.

(*e*) and (*f*) A communication to this effect was received from the Secretary, All-Bengal Registration Employees' Association, but the Inspector-General of Registration took no action on it as an appeal preferred by Babu Bankim Chandra Gossain had been disallowed after due consideration.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware of the fact that the All-Bengal Registration Employees' Association has been recognised by Government, and yet no reply has been given to them in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Association has been recognised by Government, but the answer does not say that Government did not take any action, because as a matter of fact no action was necessary.

Arrears of work in Registration Department.

143. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether a Circular No. 14024-50, dated the 13th December, 1932, was issued by the Inspector-General of Registration, in regard to engaging the permanent establishment of the Registration Department for pulling up arrears of work, towards the end of the year, in addition to the respective duties of its staff and that each of them so engaged in such work would be remunerated?

(*b*) Is the circular in operation now?

(*c*) Is he aware that the permanent staff of the Registration Department, who have been pulling up the arrears of work, are being over remunerated since the issue of the circular?

(*d*) Will the Hon'ble Minister state the names of the staff of the Registration Department who had been engaged in pulling up the arrears of work?

(*e*) The remuneration paid to each?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) and (*b*) Yes.

(*c*) No. The permanent staff of the department are paid at fixed rates.

(*d*) and (*e*) The information asked for is not readily available.

Office of Registrar of Assurances, Calcutta.

144. Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*a*) (*i*) the names of the clerks of the office of the Registrar of Assurances, Calcutta;

(*ii*) the dates of their appointment;

(*iii*) their qualifications;

(*iv*) the grade of their salary at which each was appointed; and

(*v*) the present grade each is holding;

(*b*) (*i*) the names of the permanent copyists of the office;

(*ii*) the dates of their appointment;

(*iii*) their qualifications;

(*iv*) the scale of salary at which each was appointed; and

(*v*) the present scale each is holding;

(*c*) (*i*) the names of extra copyists of the office;

(*ii*) the dates of their appointment;

(*iii*) their qualifications; and

(*iv*) the average monthly income of each?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*), (*b*) and (*c*). Three statements are laid on the Library table.

145. Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the highest average monthly income and the lowest average monthly income of extra copyists of the office of the Registrar of Assurances, Calcutta, in the year 1926 and those in the year 1936;

(*ii*) the reasons for the variation, if any; and

(*iii*) whether their grievances in respect of income are under consideration of the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq):—

Year.	Highest average monthly income.	Lowest average monthly income.
	Rs.	Rs.
(*i*) 1926	... 25	15
1936	... 35	17

(*ii*) The variation is due to fluctuations in the volume of work.

(*iii*) The advisability of restricting future enlistment until a fair average wage is obtainable by those already in service is being considered.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Minister please state if a human being can maintain himself and his family on Rs. 17 a month in the city of Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: That Sir, is a matter of opinion.

146. Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that extra copyists of the office of the Registrar of Assurrances, Calcutta, are paid their remuneration due for a month sixty or ninety days after the month expires?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): The remuneration of the extra-copyists due for a month is generally paid in the following month but in some cases there has been delay in making payment, owing mainly to want of budget grant from which this expenditure could be met.

Birth and death rates in certain localities.

147. Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the table a statement showing for the last six years the birth and the death rates in the villages Sankerpur, Chandibarpur, Chalitatola and Bongram within the jurisdiction of the Narail police-station and the villages Naldi, Brahmandinagara, Sorsuna, Nauria and Bairpara within the Lohagara police-station of the district of Jessore together with the names of the diseases due to which the deaths occurred?

The Hon'ble Mr. SYED NAUSHER ALI: A statement showing the number of recorded births and deaths in these villages during each of the years 1931-36 together with the cause of death is laid on the Library table. Information about birth and death rates in the villages concerned is not available, but a statement showing the birth and death rates in the Narail and Lohagara police-stations during these six years is also laid on the Library table.

Bengal Government Press.

148. Mr. NARESH NATH MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether new printing machines are again being indented in the Bengal Government Press?

(*b*) Is it a fact that the existing machines in the Bengal Government Press are more than that required?

(*c*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister state the reasons thereof?

(*d*) Will the Hon'ble Minister lay a statement showing—

(*i*) the existing number of printing machines in the Bengal Government Press with the dates of indent of each machine;

(*ii*) the capacity of output of each machine per hour;

(*iii*) the price of each machine; and

(*iv*) the actual output given by each machine per hour for the years 1935-36 and 1936-37 with the registered numbers of works done in each machine?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) Yes.

(*b*) No.

(*c*) For replacement of old machines.

(*d*) (*i*) to (*iii*) A statement is laid on the table.

(*iv*) As the preparation of the statement asked for would take much time and labour, I do not propose to call for it.

Statement referred to in the answers to question No. 148.

Description of machine.	Number.	Date of indent.	Capacity per hour.	Price.	
				Rs.	A.
Double Demy Babcock machine with motors.	2	4-1-1913	600/1000 impressions.	10,511	3
Ditto ..	1	1-4-1914	Do. ..	5,021	5
Ditto ..	1	15-12-1921	Do. ..	12,742	15
Double Crown machine with motors.	6	26-5-1910	Do. ..	23,296	3
Quad Crown Babcock machine ..	6	28-1-1920	Do. ..	95,895	6
Ditto ..	2	15-5-1915	Do. ..	11,283	5
Crown Folio Bremner Platen machine.	1	15-12-1921	800/1000 impressions.	4,352	10
Royal Folio Falcon Platen machine.	1	15-5-1915	800/1200 impressions.	3,525	10
Royal Folio Platen machine (Chandler & Price).	2	8-5-1922	1000 impressions.	16,194	3
Foolscap Broadside Rapid machine (Wharfdale).	2	8-5-1922	1000/1500 impressions.	10,583	6
Foolscap Broadside Rapid machine.	2	15-4-1921	Do. ..	8,610	1

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister kindly state whether in this case at least Government has been benefited by a commission, I mean trade discount? Whether in the buying of new machines in the future Government will try to get a reasonable rate of discount?

The Hon'ble Mr. NALINI RANJAN SARKER: Why should Government try for a discount if the price is rock-bottom?

149. Mr. NARESH NATH MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing—

(*i*) the number of Lino and Mono machines existing at present in the Bengal Government Press;

(*ii*) how many of them are worked by permanent operators;

(*iii*) how many by apprentices;

(*iv*) what is the outturn of each of the permanent operators;

(*v*) what is the outturn of each of the apprentices; and

(*vi*) what is the date of appointment of each of the apprentices that are working with these machines?

(*b*) Will the Hon'ble Minister state whether each of these apprentices is capable of giving the minimum outturn that is necessary for meeting the recurring expenses for the maintenance of these costly machines manipulated by them?

(*c*) If not, what is the reason of incurring a financial loss by maintaining these apprentices in the establishment and do the Government now contemplate to take any steps to remedy this state of affairs in the Bengal Government Press and, if not, why not?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) (*i*) There are thirty-three Lino and nine Mono machines.

(*ii*) Of the Lino machines, twenty-eight are worked by operators of whom twenty-one are on the permanent piece and seven on the extra piece establishment. Of the nine Mono machines, eight are worked by operators, of whom six are on the permanent piece and two on the extra piece establishment.

(*iii*) The remaining five Lino machines and one Mono machine are worked by apprentices.

(*iv*) to (*vi*) Statements are laid on the Library table.

(*b*) and (*c*) The apprentices on the whole pay their own way, but their outturn on the whole is lower than that of the operators. It is claimed however that the disadvantages of this are outweighed by the general advantages to the Press of the apprentice system. I am however looking into the matter.

150. Mr. NARESH NATH MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact that in the Bengal Government Press promotion is made without any reference to or consideration of seniority or efficiency, but at the whims of the authorities?

(*b*) If so, why?

(*c*) Is it a fact that the interests of the efficient and senior Readers have adversely been affected on account of supersession of one Balaram Acharya by one Monomohan Ghosh?

(*d*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the remarks as to—

(*i*) efficiency;

(*ii*) seniority;

(*iii*) qualifications; and

(*iv*) special qualifications as to knowledge of different languages of the readers-in-charge and readers of the Bengal Government Press?

(*e*) If the answer to (*c*) be in the negative, will the Hon'ble Minister please state the reason whereby the said Monomohan Ghosh was selected for the promotion?

(*f*) If the answer to (*c*) be in the affirmative, will the Hon'ble Minister enquire into the matter?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) and (*b*) I understand that both seniority and efficiency are taken into consideration in making promotions; other things being equal, the senior man is promoted.

(*c*) No.

(*d*) A statement showing seniority and linguistic qualifications of various Readers is placed on the Library table. I do not consider it desirable to publish opinions regarding their relative efficiency.

(*e*) Does not arise.

Yield of rice.

151. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the total yield of rice in Bengal is short of the quantity required for consumption?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister please state the quantity of the shortage of rice?

(c) Will the Hon'ble Minister please state what quantity of rice Bengal exports to foreign countries in spite of the shortage and the reason thereof?

(d) Will the Hon'ble Minister please state if the Government are aware that Bengal is increasingly depending on Burma for rice, and that Japan and Australia are making rapid strides to capture the market?

(e) If the answer to (d) be in the affirmative, will the Hon'ble Minister please state what steps the Government intend to take to remedy this threatening condition?

(f) Will the Hon'ble Minister please state if the Government are aware that the Bengal lands have deteriorated in fertility and that the yield of rice per acre in Bengal is less than that in other rice-producing countries of the world, like Italy, Japan, United States of America, Egypt, Australia and Spain?

(g) Will the Hon'ble Minister please state what steps the Government intend to take to prevent the progressive impoverishment of the soil and comparative less yield of agricultural produce and to deal with the improvement of the human, the animal, the mechanical and the land factors of agriculture?

(h) Will the Hon'ble Minister please state if and how the Government intend to carry out any programme of irrigational development including the excavation of silted-up rivers and canalised distribution of water, well and lift irrigation to protect the peasants from wayward monsoon?

(i) Will the Hon'ble Minister please state how the Government intend to provide for the varietal, manurial and cultural requirements of the rice crop and to ensure the increased fertility in the soil and the intensive and extensive production of crop and the prevention of insect-pests which injure the rice crop and the protection of the crop from the evil effects of bad season?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) Yes, except in very favourable years.

(b) Definite figures are not available. Figures for imports of rice into Bengal show a very great variation from year to year; from about 150,000 tons to 850,000 tons. These figures however are no guide to the shortage in Bengal as a very large proportion of these imports is to meet the demand of other provinces, particularly Assam, Bihar and United Provinces.

(c) Bengal's average export of rice to foreign countries is about 100,000 tons and consists of special varieties specially grown for export purposes.

(*d*) No. There is no ground for supposing that Bengal is becoming increasingly dependent on Burma for rice.

The imports of rice from Japan during the past 2 years remained stationary at the nominal figure of 11 tons, while during the same period there were no imports of rice at all from Australia.

(*e*) Does not arise.

(*f*) No. There are no grounds for any such sweeping assertion as to the deterioration of Bengal land.

The hon'ble member is referred to the paragraph dealing with Agricultural Stations and Farms at pages 9-10 of Part I of the Annual Report of the Department of Agriculture for 1934-35, a copy of which is placed on the Library table.

(*g*) It is not possible in a reply to a question to give a full and complete statement of Government's policy and programme for the improvement of agriculture in all its aspects. Such a statement would entail a full speech which I will make at the proper time when announcing my policy.

(*h*) This concerns the Hon'ble Minister in charge of Irrigation who will no doubt announce his policy in this connection at the appropriate time.

(*i*) *Vide* the answer to (*g*) above.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state when he is going to announce the policy of the Government and its programme for the improvement of agriculture in all its aspects?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I shall announce my policy in the Lower House at the time of the budget discussion, but as in the Upper House there is no budget discussion I will take the first opportunity of announcing my policy here.

Mr. PRESIDENT: I would draw the attention of the Hon'ble Minister that no reference should be made about the debates in the other House here.

The Hon'ble Nawab Khawja HABIBULLAH Bahadur, of Dacca: I will take the first opportunity of announcing my policy here.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. Suppose we have to point out to this House that we are making a certain statement in the Assembly, how should we refer to it?

Mr. PRESIDENT: That will be out of order.

Khan Bahadur ATAUR RAHMAN: As regards reply to question (*f*), is it not a fact that the Government of India in their statistical

report say that the average yield of paddy per acre has gone down in Bengal; if so, what is the cause?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot say off-hand; I want notice.

Bengalees detained without trial.

152. Mr. BANKIM CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the total number of Bengalees detained without trial class by class under various laws, regulations and ordinances at present;

(*ii*) the number detained outside the province with the name of the places where detained; and

(*iii*) the total number of Bengalee political prisoners and detenus now lodged in the Andaman Jails?

(*b*) Do the Government of Bengal think that they cannot look after the political prisoners and detenus if they are lodged within the province?

(*c*) Are the Bengalee political prisoners and detenus supplied with food accustomed to be taken by the Bengalees?

(*d*) What are the arrangements including travelling expenses for interviews by the relatives with the detenus lodged outside the province?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) There are 1,999 persons under various forms of detention including persons in home internment and training camps, of whom a small number are not Bengalees.

(*ii*) 317 in Deoli Jail, 4 in the Central Provinces and Bombay each, 2 in the United Provinces and 5 in Madras.

(*iii*) 244; there are no detenus in the Andamans.

(*b*) I have decided to bring them back to this province.

(*c*) Yes, as far as conditions permit.

(*d*) Relatives are allowed to interview the internees at their own expense.

Mr. HUMAYUN KABIR: With regard to answer (*b*), will the Hon'ble Minister be pleased to state whether "them" includes prisoners in the Andamans in the general statement of political prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. It refers to detenus and prisoners under Regulation III.

Bengal State prisoners.

153. Mr. BANKIM CHANDRA DATTA: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) which is the remotest place from Calcutta where a Bengalee detenu has been lodged;

(*b*) will the Hon'ble Minister be pleased to state whether the Government have any objection to bring these prisoners and detenus back and lodge them in suitable places within the province;

(*c*) is there any objection on the part of the Government to give to each detenu a statement in writing of the reasons as to why he is being kept in detention;

(*d*) is there any objection by the Government to bring to trial any detenu who asks for such trial; and

(*e*) if so, what is the nature of such objection?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) There are Bengal State prisoners in Madras and Bombay.

(*b*) I have decided to bring back to the province Bengal State prisoners and detenus who are now interned outside the province.

(*c*) Each detenu is supplied with a statement of allegations under section 9 of the Bengal Criminal Law Amendment Act, 1930, and is given an opportunity to answer the allegations.

(*d*) and (*e*) Detention is preventive and not punitive: the question of trial therefore does not arise.

Mr. BANKIM CHANDRA DATTA: Will the Hon'ble Minister be pleased to state what is the number of Bengalee State prisoners in Madras and in Bombay?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I refer the hon'ble member to answer to question No. 152,—4 in Bombay and 5 in Madras.

Mr. SACHINDRA NARAYAN SANYAL: Will the Hon'ble Minister be pleased to state if the members of the Council will be allowed to know the statement regarding the allegations and the reply to those allegations?

The Hon'ble Khwaja Sir NAZIMUDDIN: Those are confidential papers.

154. Mr. BANKIM CHANDRA DATTA: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) is the Hon'ble Minister considering the desirability of releasing the detenus at an early date;

(*b*) has the Hon'ble Minister formulated any policy about their release;

(*c*) if so, what is the policy;

(*d*) are the Government aware that the continued detention of these persons without trial is likely to cause bitterness amongst their friends and relatives;

(*e*) what is the amount spent during the last financial year for granting allowances to detenus;

(*f*) how many detenus received the allowances;

(*g*) what is the amount spent during the last financial year for the upkeep of the detenus outside Bengal; and

(*h*) for how many detenus were such expenses incurred?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*d*) I lay on the table an extract from a statement I made on another occasion in this connection.

(*e*) and (*f*) I regret I am not in a position to supply the information as it cannot be collected without an undue expenditure of time, labour and money which Government are unable to undertake.

(*g*) The accounts for 1936-37 have not yet been made up: the information is, therefore, not available.

(*h*) Does not arise.

Statement referred to in the answer to question No. 154.

"We intend to release all detenus who have been in home domicile for three months or more either unconditionally or subject to the reporting of their movements, unless there are exceptional circumstances which leave no doubt that it would be unsafe to allow them their liberty.

"Similarly, we intend to send from village domicile to home domicile those who have been in village domicile from three to six months, unless we are satisfied in exceptional cases that it is undesirable that this should be done until a further period has elapsed.

"We have decided to reduce with all possible speed the number detained in camps and jails.

"We shall bring back to the province all persons detained under Regulation III or the Bengal Criminal Law Amendment Act outside Bengal as soon as we can make arrangements to receive them.

"We propose to give suitable allowances for a limited period to released detenus whose family circumstances make it justifiable to incur this expenditure from public funds. Our object is to give the released detenus an opportunity of settling down to some occupation.

"This is intended to be a continuous process provided, as we all hope, the state of the province justifies it.

"Government also make the following offer:—If parents, guardians, or responsible people of the locality come forward and promise to look after, to keep in touch with and advise any detenu as to his choice of profession or other means of livelihood, and in all respects to do everything possible to assist the detenu to find his way back to a normal and useful position in society, then the detenu can be released provided he is not one of those whose attitude for the time being points definitely against release.

"Government are spending large sums on the maintenance of detention camps and out of savings effected under this head they will be able to make adequate funds available to give suitable allowances to those appointed as guardians to enable them to pay for the maintenance of the persons under their charge and other necessary expenses during his period of assimilation which will extend to one year.

USEFUL VOCATION.

"During that period the only condition imposed will be that detenus should follow the advice of their guardians and apply all their energies to fitting themselves for such profession or calling as they may choose.

"Failure on their part to observe these conditions would be reported to Government for appropriate action.

"At the same time Government on their part will do everything in their power to encourage a sympathetic attitude on the part of prospective employers towards the aspirations of young men of whose desire to lead a wholesome and normal life they may be satisfied.

"In short, the policy of Government is to release the detenus as rapidly as possible, consistently with public safety, ensuring as far as they can that those released have opportunities of settling down to a normal life of useful citizenship."

Muhammadans in the Public Services.

155. Mr. HUMAYUN KABIR (on behalf of Mr. Hamidul Huq Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing—

(*i*) the proportion of Muhammadans and non-Muhammadans in the different public services under the Government of Bengal;

(*ii*) the percentage of Muhammadans in each class and grade of service;

(*iii*) the total number of law officers appointed or provided from the provincial revenue serving in the High Court, Original and Appellate Sides, and the proportion of Muhammadans in each with name of the offices held; and

(*iv*) the total number of public prosecutors, assistant public prosecutors and Government pleaders in different courts in Bengal and the proportion of Muhammadans holding such posts?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a list of offices at present held by lawyers in different capacities, whether paid in fees or in salary, and state the number held by Muhammadans?

(*c*) Is the Hon'ble Minister considering the desirability of taking early steps—

(*i*) to fix the percentage to which Muhammadans are entitled; and

(*ii*) for making rules to secure the same?

The Hon'ble Khwaja Sir NAZIMUDDIN: Necessary enquiries have not yet been completed. As soon as it is ready, the information will be communicated to the hon'ble member.

Mr. SACHINDRA NARAYAN SANYAL: Will the statement be available in the next session?

The Hon'ble Khwaja Sir NAZIMUDDIN: Wait and see.

Jessore District Board and Narail Local Board.

156. Mr. NARESH NATH MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the table a statement showing for the last six years—

(*i*) the names of the Chairmen, Vice-Chairmen and members of the Jessore District Board and the Narail Local Board;

(*ii*) the amount drawn by each of the persons concerned as travelling allowances; and

(*iii*) the places from which the allowances were claimed?

(*b*) Is the Hon'ble Minister aware that an audit objection was raised with regard to the travelling allowances drawn by the Chairmen, Vice-Chairmen and members of the Jessore District Board and Narail Local Board for the years 1930 to 1936?

(*c*) If so, what action, if any, was taken in the matter?

(*d*) If no action was taken, what were the reasons therefor?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) (*i*) to (*iii*) Statements are laid on the Library table.

(*b*) There have been some objections with regard to travelling allowances of some of the gentlemen referred to in the question during this period.

(*c*) The objections have been duly dealt with.

(*d*) Does not arise.

Bengal Government Press.

157. Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) whether it is necessary that the Superintendents, the Deputy Superintendents, the Managers and the Assistant Managers of the Government Presses must be passed printers from England;

(*ii*) if so, whether the present Superintendent and the Deputy Superintendents of the Bengal Government Press passed the said printership examination;

(*iii*) if so, where they passed from and in what year;

(*iv*) where and what posts they held before their appointment in the Bengal Government Press and what was their pay;

(*v*) what were the age and their initial pay when they joined the Bengal Government Press;

(*vi*) what are their present age and salary;

(*vii*) whether any extension of service has been granted to them;

(*viii*) if so, on what grounds; and

(*ix*) whether it is a fact that an Anglo-Indian apprentice without any experience and qualification has superseded the claim of one Indian who is a passed printer from England and the said Anglo-Indian has been given the post of an overseer in preference to him; if so, whether the Government are prepared to remedy the injustice and, if not, what may be the reason thereof?

The Hon'ble Mr. NALINI RANJAN SARKER: (*i*) No. It is not necessary that either the Superintendent or Deputy Superintendent should be passed printers. What is required is that they should have not less than 5 years' indentured apprenticeship in the printing trade in England followed by at least six years' practical printing experience; or equivalent training and experience in England.

(*ii*) and (*iii*) Do not arise.

(*iv*) to (*vi*) A statement is laid on the table.

(*vii*) Extension of service has been given to Mr. Battersby, the Superintendent.

(*viii*) On the ground that it was advisable in the public interest to retain him as Superintendent during the period of special pressure occasioned by the recent General Election and the coming into being of the enlarged Legislature.

(*ix*) I understand that an Indian employee of the Press with some training in England was passed over for promotion to a post of overseer by an employee without any English training who was considered more fitted for promotion. As far as my information goes, there was no injustice that calls for remedy.

Statement referred to in the answer to question No. 157.

Name of the officer.	Post held before appointment, as Deputy Superintendent, in the Bengal Government Press.	Pay before joining.	Age at the time of joining.		Initial pay.	Present age.		Present pay.
1	2	3	4		5	6		7
			Y.	M.	Rs.	Y.	M.	Rs.
Mr. Battersby	The office of the Quarter-Master General in India, Simla.	Not known	32	11	250	56	2	1,200 *plus* O.P £25
Mr. Heath ..	Messrs. Newman & Co., Ltd.	Not known	26	1	550	36	8	750
Mr. Arnott ..	Ganges Printing, Ltd., Howrah.	Not known	31	2	550	38	0	750
Mr. Shea ..	Overseer in the Government Printing Press.	Rs. 330 ..	25	6	550	33	9	750

Sanitary and financial condition of certain districts.

158. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether during the last five years the sanitary and financial conditions of the districts of Nadia, Murshidabad and Jessore have become worse than before?

(*b*) If so, will the Hon'ble Minister please state whether the gradual silting up of the rivers in those districts is one of the causes for such bad conditions?

(*c*) If so, will the Hon'ble Minister be pleased to state whether any steps have been taken by Government to prevent the silting up of those rivers?

(*d*) If so, what are the steps?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Kasimbazar): (*a*) Owing to the diversion of the Ganges towards Eastern Bengal and consequent deterioration of the spill channels, there has been progressive deterioration in health and productivity of the soil in Central Bengal. During the last five years there has not been any marked change for the worse; rather owing to the high flood of the Ganges in 1934 and 1936 these rivers and the lower lands commanded by them have probably received better flushing in these years than before and the health and productivity of the soil appear to have improved somewhat.

(*b*) Yes.

(*c*) and (*d*) Owing to lack of funds, it has not been possible to execute any major scheme of improvement, but some minor flushing schemes have been executed. As a preliminary to the investigation into the feasibility of a comprehensive flushing scheme for Central Bengal for improving the sanitary and agricultural condition, it is necessary to have contour survey of the whole of the decadent area. A portion of this area between the Bhagirathi and the Jalangi has already been surveyed and the idea of extending the survey to the rest of the area is under the consideration of Government.

Khan Bahadur ATAUR RAHMAN: Is the Hon'ble Minister aware that the floods for the last three years 1934, 1935 and 1936 caused serious damage to the crop in the eastern part of Murshidabad and Nadia instead of doing much good by flushing? Is the Hon'ble Minister aware of the fact that the *bhadui* crop is washed away by the flood just at the time when it is ripe?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: It is true that by flood the crop for the time being is destroyed, but certainly the silt that is deposited on the land improves its fertility.

Khan Bahadur ATAUR RAHMAN: Is it not like the saying that the operation was successful but the patient died?

Percentage of Hindus and Mussalmans in certain examinations.

159. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Education Department be pleased to state what is the annual percentage of successful and unsuccessful candidates among Hindus and Mussalmans in the Matriculation and Intermediate Examinations of the Calcutta University and of the Dacca Intermediate Board respectively for the last ten years?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): The answer is unfortunately not ready.

160. Mr. MESBAHUDDIN AHMED: Will the Hon'ble Minister in charge of the Education Department be pleased to state what is the annual percentage of successful and unsuccessful candidates among Hindus and Mussalmans in the Matriculation and Intermediate Examinations of the Calcutta University and of the Dacca Intermediate Board respectively for the last ten years?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): The answer is not ready.

Domiciled non-Bengalees in Bengal.

161. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing, district by district, the total number of domiciled non-Bengalee people settled in Bengal?

(*b*) Is there any question of unemployment amongst them?

(*c*) What is the percentage of literate persons amongst them?

(*d*) Are their claims considered—

(*i*) at the time of nomination to the different local bodies; and

(*ii*) appointment to Government services in different departments and in different districts?

(*e*) Will the Hon'ble Minister consider the desirability of reserving certain percentage of services for them?

The Hon'ble Khwaja Sir NAZIMUDDIN: Necessary enquiries have not yet been completed. As soon as it is ready, the information will be communicated to the hon'ble member.

Headquarters of Noakhali.

162. Mr. HUMAYUN KABIR (on behalf of Mr. Hamidul Huq Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Government have come to any final decision as to the site for a permanent headquarters for the district of Noakhali?

(*b*) If so, which site has been selected?

(*c*) Is it the decision of the Government that Maijdi will be made the permanent headquarters?

(*d*) If so, have the Government taken expert opinion whether this site is free from the danger of erosion?

(*e*) If so, from whom?

(*f*) What is the expert view?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes, Government's decision in the matter is contained in Revenue Department Resolution No. 4787 Misc., dated the 3rd March, 1937, published at page 763, Part I of the *Calcutta Gazette*, dated the 1st April, 1937.

(*b*) As will be seen from the Government Resolution, Maijdi has been selected as the site for the new district headquarters.

(*c*) and (*d*) Yes.

(*e*) From the Chief Engineer, Irrigation Department.

(*f*) It is the expert view that the site is free from any danger from erosion.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the distance of Maijdi from the present district headquarters?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Legislative programme of Education Minister.

163. Mr. HUMAYUN KABIR (on behalf of Mr. Hamidul Huq Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state what is his legislative programme, if any, regarding the reorganisation of the Calcutta University and the Secondary Education?

(*b*) What is the proportion of the Muhammadans on the Senate and the Syndicate respectively of the Calcutta University?

(*c*) Is the Hon'ble Minister considering the desirability of taking immediate steps to increase the same, if necessary?

(*d*) How many examiners are on an average annually appointed (on the basis of its last five years' figures) by the Calcutta University to examine the answer papers in the various examinations?

(*e*) How many of them were Muhammadans in the year 1936?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): The answer is not yet ready.

Medical examination of prisoners to the Andamans.

164. Rai SURENDRA NARAYAN SINHA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether political prisoners before being transported to the Andamans are examined by a Medical Board?

(*b*) If so, are only those who are found to possess sound health transported there?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact that lately 18 prisoners have been repatriated for reasons of health?

(*d*) Will the Hon'ble Minister be pleased to state whether it is a fact that out of them, prisoners—

(*i*) Surendra Mohan Kar Roy and Bimal Chakravarty, have turned insane;

(*ii*) Bidhu Sen, Profulla Mojumdar, Nepal Sarkar, Mahesh Barua, Amar Sutradhar, Mukul Sen, Dhrubesh Chatterjee and Jagabandhu Roy are suffering from tuberculosis; and

(*iii*) Mohit Mohan Adhikary died immediately after repatriation?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Yes.

(*c*) Yes, between March, 1933, and July, 1937.

(*d*) (*i*) Both the prisoners have regained their sanity on treatment in the Ranchi Mental Hospital.

(*ii*) Bidhu Sen and Drubesh Chatterjee have been released on completion of their sentence: Mukul Sen's sentence has been suspended and he has been made over to his relatives for treatment. Prafulla Majumdar and Nepal Sarkar show no signs of tuberculosis at present. I have not yet been able to finish any enquiries about Mahesh Barua, Amar Sutradhar and Jagabandhu Roy.

(*iii*) Mohit Mohon Adhikary was sent to the Bhagalpur Central Jail: I have no further information about him.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The answer to question No. 165 has been communicated to the Council Department but I find that it has not yet been printed and circulated. May I reply to the question from the file?

Mr. PRESIDENT: Yes. But how does it concern your department?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Because the collection of the electricity duty is now under the Board of Revenue and not under the Commerce Department.

Electricity licence.

165. Mr. NARENDRA CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the amount received from each licensee in Bengal as Electricity Duty during the year 1936-37?

(*b*) What was the cost of collection of such amounts in each case?

(*c*) What is the age of each licensee in Bengal?

(*d*) What is the number of connections given by each licensee in Bengal in the year 1936-37?

(*e*) What is the number of units of electrical energy sold by each licensee in Bengal during the year 1936-37?

(*f*) Will the Hon'ble Minister state among the electricity supply companies operating in Bengal under license which one is profit-earning and which of them is not?

(*g*) Is the Hon'ble Minister aware that the imposition of Electricity Duty in the *mufassil* is a great handicap to the development of electricity supply trade?

(*h*) If the answer to (*g*) be in the affirmative, will the Hon'ble Minister consider the advisability of exempting the consumers under non-profit earning licensees from payment of Electricity Duty until such licensees earn substantial profits?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A statement showing the amounts received is placed on the Library table.

(*b*) There is no cost of collection but a rebate of 2 per cent. subject to a minimum of Rs. 20 per mensem and a maximum of Rs. 1,000 a month on the amount of electricity duty collected is allowed to each licensee.

(*c*) A statement furnishing the information is placed on the Library table.

(*d*) The information is not readily available, for to collect this information, each individual licensee will have to be separately addressed.

(*e*) and (*f*) The information is not available in the Secretariat but will be found in the respective licensee's annual accounts which may be obtained at a cost not exceeding Rs. 5 per copy, from each licensee.

(*g*) The department have no such information nor have till now received any such representation from the trade.

(*h*) Does not arise.

Short-notice questions.

Mr. PRESIDENT: There were four notices of short-notice questions. I do not know yet if the Hon'ble Ministers in charge of those departments are agreeable to answer all those questions.

The Hon'ble Khwaja Sir NAZIMUDDIN: Time is over, Sir, and the questions cannot be taken up.

Motion for Adjournment.

Mr. PRESIDENT: I have received notice from Mr. Kamini Kumar Dutta that he proposes to ask for leave to move a motion for adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance.

The motion runs as follows:—

"That the business of the Council be adjourned to discuss a definite matter of urgent public importance, namely, the situation arising out of the charge made by the Police with *lathis* on the procession which was wending its way to join the public meeting held at the Town Hall on 14th instant in observance of the All-India Andamans Prisoners' Day and the injuries caused on many of the processionists including ladies when they declined to lower the National Flags as directed by the Police and were defending the Flags from being snatched away by the Police."

I have to enquire whether any hon'ble member has any objection.

Mr. NAZIRUDDIN AHMAD: Mr. President, Sir, there is no urgency about the matter. As the matter is over it is not urgent and important and can be discussed or decided later on. There is another equally important motion and the Council is to consider which it will prefer.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. Was not to-day specially fixed to consider the detenu resolution?

Mr. PRESIDENT: Yes, it is fixed for that resolution. If leave is granted for the adjournment motion it will be taken up later. Mr. Suhrawardy well knows that only two hours are allotted for discussion of adjournment motion and such motion are always taken up at a later period.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would like to repeat what has been said by Mr. Naziruddin Ahmad that the incident is over, it is not continuing. The urgency would have remained if the thing would have continued, and as the incident is over, it can be discussed at any time later on, and therefore I submit that it is not a matter of urgent public importance.

Mr. PRESIDENT: The only objection raised was about the urgency of the motion and it has been argued and seriously argued by the Hon'ble Minister that as the matter is over there cannot be any motion for adjournment. I wonder how that can be. As a matter of fact adjournment motions are meant as cesures on the Government action; and after an event if any member feels that exception should be taken to Government's action by censuring, he can raise a debate by an adjournment motion. But the matter must be of recent occurrence. I, therefore, hold that it is an urgent matter.

As objection has been raised by some, I would request those members who are in favour of leave being granted to rise in their places.

(Several members rose and the count was taken.)

Mr. PRESIDENT: As not less than 13 members have risen, I declare that leave is granted and that the motion will be taken up for discussion at 8-30 p.m. to-night.

The hon'ble members know that the other House will be sitting from 4-45 p.m. I have consulted the Hon'ble the Speaker and we cannot meet for the adjournment motion earlier. I have it in command from His Excellency the Governor that this House will be prorogued to-day; so the adjournment motion must be taken up to-day.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. Is it in order to refer to the sitting of the other House?

Mr. PRESIDENT: No, as regards adjournment the President has the full right to adjourn at any time he likes.

Non-official Resolution.

Mr. MOAZZEMALI CHAUDHURY: I beg to move that this Council declares that it is of opinion that the political prisoners of

Bengal who have been detained in camps and jails in and outside Bengal and also those who have been interned either at home or at any village or town domicile or kept under orders of restraint of any kind should be unconditionally released and the orders of restraint or internment withdrawn without further delay.

(The member then addressed the House in Bengali. The following is the English translation of his speech.)

Mr. President, Sir, in moving the motion for the release of political prisoners I deem it very necessary to mention one thing. Behind this motion of mine there is no design against the Ministers. Nor do I think that this motion, if accepted by this House, will mean any want of confidence in the Ministers. It is only to give them an opportunity of releasing the detenus and the political prisoners that this motion has been brought. I do not believe in the creed of violence but I demand their release from the standpoint of humanity and of justice and also because the policy of detention without trial is illogical. The members should remember that these detenus were not prosecuted before any court —they are not guilty of any offence and we may take it that they are innocent. Thieves, robbers and even murderers are given the opportunity of defending themselves but these unfortunate persons were not allowed that opportunity even. My colleagues and friends should also bear in mind that the privilege which they have obtained of determining the fate of the political prisoners and of the province of Bengal—has behind it the sacrifice and services of those most of whom are now political prisoners. As a result of prolonged detention some have been crippled by diseases, many have become insane, some died in the prisons and many, unable to stand the intolerable hardships, went so far as to commit suicide. Proof of all this may be found from the official records. They do not know how long they will live this life of a prisoner. Think once of the condition of the mothers, fathers, wives and children of these prisoners, of the unbearable sufferings amidst which they are passing their days. Let not anyone make the mistake of thinking that this question of the release of political prisoners is a communal one. There are persons of all communities among these prisoners. The son-in-law of Moulana Akram Khan, a member of this Council, Hamidul Huq, Sirajul Huq, Moulvi Kafiluddin and many other Moslem youths have been living in detention without trial. Nor should any one think that because there are Moslem prisoners I am calling upon the Moslem members to support my motion. We have been told that Government will not detain them a day longer than is absolutely necessary—that they will be gradually released in consonance with the safety of the people and that complete freedom will be granted to them as soon as they are past all suspicion. Fundamentally that is Government's policy.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. The member has himself said that this question has already been discussed in the House and then we want to have reason why he is bringing it up again. His resolution is on the detenu question but he is referring to the political prisoners in the Andamans.

Mr. PRESIDENT: I will see to that.

Mr. President explained to the member in Bengali:

The hon'ble member should not repeat what has already been discussed in the House.

Mr. E. C. ORMOND: On a point of order, Sir. With the greatest respect will you, Sir, consider the propriety as a matter of custom as to whether you should address members in Bengali, because you see, Sir, that there are certain members on our side of the House who cannot follow your remarks.

Mr. PRESIDENT: In future whenever I have to speak in Bengali I shall translate it into English for your benefit.

Mr. E. C. ORMOND: I am much obliged, Sir. I suggest again with the greatest respect that the hon'ble member who is speaking is not so unacquainted with the language as he cannot follow your ruling even in English.

Mr. PRESIDENT: From the very fact that he is speaking in Bengali it is to be presumed that he is not very efficient in English.

Mr. E. C. ORMOND: I have raised the point of order on that that the hon'ble member is not so unacquainted with English as to fall under section 9 of the Rules and Standing Orders.

Mr. PRESIDENT: If a member begins to speak in Bengali I take it that he is not sufficiently acquainted with English.

Mr. MOAZZEMALI CHAUDHURY continued in Bengali:—

The people of the country believe that in view of the present peaceful atmosphere of the country any further detention of these prisoners is unnecessary. But if the Governor and the Ministers think that there is necessity for it still, who will judge the propriety or otherwise of that view? The same thing may be said about the safety of the people. The next thing is that Government have not stated how long these prisoners must live peacefully before Government can

grant them full liberty. At the end of five years also Government might say that the period of examination is not yet over. So this principle my countrymen cannot accept without protest.

Let us now see how these unfortunate persons have been imprisoned. Suppose five persons have been prosecuted. The persons who are found guilty are sentenced to three years' imprisonment and those who are acquitted by the judge as innocent are taken under arrest by the police as soon as they come out of the court. The convicted persons are released at the termination of their term and live with their parents, wives and children while the others who were found innocent by the court, drag on their existence under detention year after year till they become insane or commit suicide or wait for death. Is this a sample of British justice? I do therefore request the Hon'ble Ministers, especially the Chief Minister, Mr. Fazlul Huq and Sir Nazimuddin to release these people immediately, if they are really the friends of the British. Otherwise the Ministers will prove themselves to be greater enemies of the British Government than the detenus. I do not deny that there are times—such as times of war, revolution, etc., when Government have to suspend the operation of the ordinary laws and to resort to extraordinary measures. I would most emphatically declare that Bengal is not in such a condition. It was only the other day that His Excellency the Governor himself admitted this fact on the floor of this House. It is said on behalf of the Government that these persons, if released, would create terrorism in the country. I am of opinion that there is no reasons to suspect so. If some among them do not give up the path of violence, there is no dearth of spies and as soon as such conditions arise those persons may be put on trial and punished and the public then will have no complaint. Besides, merely on the apprehension that some among them might in future commit offence, the detention of some 2,000 persons can never be supported and this apprehension too might prove quite baseless. I do not therefore consider it expedient to flout public opinion in this way out of a baseless fear during this time of provincial autonomy. In fine I submit that these prisoners and the public have naturally expected that, now that the administrative responsibilities of the country have passed into the hands of our own countrymen as a result of the inauguration of provincial autonomy, these unfortunate detenus will soon be released. Let not their combined prayers and hopes be frustrated. I have not the slightest doubt that if the present Ministers, leaving aside all other considerations, judge this matter only from the standpoint of humanity, pity and charity and arrange for the release of these youths under a curse, they will earn the blessings and good wishes of the people of the country.

Mr. PRESIDENT: The resolution has been moved. Mr. Nazir-uddin Ahmad may now move his amendment.

Mr. NAZIRUDDIN AHMAD: Sir, I beg to move the following amendment which stands in my name and of which proper notice has been given:—

I beg to move by way of amendment that the word "unconditionally" and the words "without further delay" shall be deleted and the following words shall be added at the end—

"in so far as such acts are consistent with public safety."

Mr. HUMAYUN KABIR: Sir, may I rise on a point of order? In section 98, sub-section (*1*) of the Bengal Legislative Council Rules and Standing Orders it is clearly laid down as follows:—

"If a copy of such amendment has not been sent to the Secretary seven days before the day fixed for the discussion of the resolution, any member may object to the moving of the amendment, and such objection shall prevail, unless the President in exercise of his power to suspend the order allows the amendment to be moved."

I submit, Sir, that the notice of this resolution was sent to members on the 6th of August, *i.e.*, ten days ago. So if any member wanted to send in an amendment to the resolution, he could do so within the prescribed time-limit.

Mr. PRESIDENT: Mr. Ahmad, when did you send in your amendment?

Mr. NAZIRUDDIN AHMAD: Sir, I sent in my amendment on the last day of the Council, *i.e.*, on Friday, the 13th instant. On a point of explanation I may submit that this resolution stood as item No. 41 in the printed Agenda and I naturally thought that it would not be taken up during this session. It was decided on the 13th instant that it would be taken up to-day as a priority resolution and an extra day had been specially obtained by you for the debate. Half an hour after that decision I sent in notice of my amendment. Under the circumstances it was not practicable for me to send in the notice earlier.

Mr. HUMAYUN KABIR: Sir, may I make my submission before you give your ruling?

Mr. PRESIDENT: I would make an appeal to the hon'ble members not to press their objection. In many legislatures a period of seven days for notice of amendments is considered too long. In this case when the notice was served more than three days ago and Mr. Naziruddin Ahmad has explained the reason why he could not send notice earlier, I would request hon'ble members not to press their objection.

Mr. HUMAYUN KABIR: Sir, this is not the only resolution relating to political prisoners and detenus; there are other resolutions also on the same subject, *viz.*, Nos. 7 and 31, which deal with the same matter. Therefore, if any member wanted to send any amendment to any of the resolutions of which timely notice was given, he could do so. However, as you desire that this rule should not be strictly adhered to for purposes of convenience, I am prepared to waive my objection on this point.

Sir, there is a fresh point. Section 94, proviso (*a*) of the Bengal Legislative Council Rules and Standing Orders says that no resolution shall be admissible unless it is clearly and precisely expressed and raises a definite issue. I raise the point that the amendment moved by Mr. Naziruddin Ahmad is not clearly and precisely expressed and therefore it does not raise a definite issue. I would make the following submission in support of my contention. First of all the conception of public safety cannot be a definite issue; it may apply to every act of the State. I further submit that the conception of public safety is co-extensive with the whole sphere of society and it does not raise a clear and precise issue. It is an issue of which no clear definition is possible, and anything which cannot be precisely and clearly defined cannot be a definite issue.

Mr. NAZIRUDDIN AHMAD: Sir, I submit that the amendment cannot be taken by itself apart from the resolution, as the amendment will incorporate itself into the body of the resolution. The resolution and the amendment, thus incorporated, certainly raise this definite issue: that the Council is of opinion that the detenus should be released and the orders of restraint or internment withdrawn in so far as such acts are consistent with public safety. Sir, so I submit——.

Mr. PRESIDENT: Order, order. I have considered the matter. The resolution is for the release of detenus immediately and the amendment says that the release should not be unconditional and the orders of restraint withdrawn in so far as such acts are consistent with public safety. I rule that the amendment is in order.

Mr. NAZIRUDDIN AHMAD: Sir, my amendment has regard for public safety, while the resolution has no regard for it. In fact, the difference between the resolution and the amendment lies in the expression "in so far as is consistent with public safety" which is a vital factor in the amendment.

Sir, the House should be grateful to you for obtaining a special day for the consideration of this important matter. In order to realise the importance of the various considerations, it is necessary to look into

the psychology of the whole terrorist movement. Terrorism was started by the now famous Barindra Kumar Ghosh in the year 1904. He started a secret society the object of which was the overthrow of the British Government. He collected arms, raised subscriptions and raised money also by the commission of crimes. In the year 1905 a serious agitation over the Partition of Bengal was started and this enabled him to preach the cult of violence rather openly and nobody could suspect that behind this open inflamatory language and the preaching of violence there was really a secret society of a dangerous type working. Some time later some terrorist outrages occurred. Even then nobody suspected the existence of such a widespread conspiracy as we later found to have been in existence at the time. Then a large quantity of bombs and various kinds of terroristic literature were discovered in Manicktolla and that gave the public a shock of their life time.

Mr. LALIT CHANDRA DAS: Sir, may I rise on a point of order? My friend, the mover of this amendment, is dealing with the question of terrorism. Will he be allowed to go into this question?

Mr. PRESIDENT: I may tell Mr. Naziruddin Ahmad that his time is very short; he has only ten minutes' time.

Mr. NAZIRUDDIN AHMAD: Sir, can you give me ten minutes more. I did not know that I would be given only ten minutes.

Mr. PRESIDENT: You will get ten minutes only.

Mr. NAZIRUDDIN AHMAD: In that case I shall cut my remarks extremely short. Sir, you will find that the Alipore trial followed and then there were various open trials and convictions. The judgments and the evidence tendered in those cases are well known and I need not refer to them at all. You will find, Sir, that the liberality of the ordinary procedure of criminal trials was taken advantage of by the terrorist offenders in terrorising witnesses, murdering some of them and in general suppressing evidence. In those circumstances open trials became impracticable. The very liberality of the Criminal Procedure Code was——.

Mr. PRESIDENT: You are again going astray. You should come to the point which is really the release of detenus.

Mr. NAZIRUDDIN AHMAD: I was submitting that in connection with the release of detenus they are all political offenders and as such they are concerned with terroristic activities. I was therefore dealing with the psychology of the movement.

Mr. PRESIDENT: Please come to the point of the release of detenus.

Mr. HUMAYUN KABIR: Sir, may I rise on another point of order? The hon'ble member can only say that the detenus are alleged to be connected with the terrorist movement. But it is not proper for a member of this House to make an assertion incriminating all the detenus until they are proved to be such.

Mr. NAZIRUDDIN AHMAD: I am under the impression that we have freedom of speech in the legislature. It is for the Hon'ble President to say what is proper or improper.

Mr. PRESIDENT: Mr. Ahmad, I have given you a long latitude You should now come to the point at issue.

Mr. NAZIRUDDIN AHMAD: Sir, you will find that in order to stop crimes of this type and in view of the difficulties in the matter of prosecutions, a committee was appointed which went into the various evidence and collected a mass of information. This committee was composed of judges of the High Court.

Mr. SHRISH CHANDRA CHAKRAVERTI: Do you refer to the Rowlatt Committee?

Mr. PRESIDENT: Mr. Ahmad, you can continue your speech, but your time will be soon up.

Mr. NAZIRUDDIN AHMAD: Sir, you know I have often been interrupted and unless you allow me a deduction for the interruptions I cannot finish my speech. It seems unfair on the part of the House to interrupt me and then allow me no deduction for the loss of time. Sir, you will find that in dealing with these terrorists it was not at all practicable to bring them to open trial although the existence of terroristic activities was very well known. This is the justification for detention without trial.

(Here the warning bell was rung.)

Well, Sir, in that case I simply move that the amendment be accepted. Considerations of public safety, I believe, are extremely important, and no member with any sense of responsibility in the House can disregard considerations of public safety. With these words, Sir, I beg to move my amendment.

(At this stage Mr. President called upon Mr. Lalit Chandra Das to speak.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the debate is expected to be over in fifteen minutes. I surely want to get some time to reply to it.

Mr. PRESIDENT: Mr. Das, will you please try to finish your speech in six or seven minutes in order to enable the Hon'ble Khwaja Sir Nazimuddin to give a reply?

Mr. LALIT CHANDRA DAS: It is worthy of note, Sir, that a prominent member of the old Government is now in charge of Law and Order—a department which affects the every day lives of the people. The policy of the old Government is on trial. That policy is the policy of interning and detaining without trial. That policy is the policy of ruthless repression, which is sought to be made permanent through the permanency of the repressive laws. The Hon'ble Home Minister is slow to recognize that the old order changeth yielding place to new,—that, as a matter of fact, Government should echo the voice of the people. The voice of the people has been expressed at countless meetings in Bengal urging the immediate release of the political prisoners, of the internees, of the detenus. That voice was echoed by the members of this legislature and whatever might have been the reason for ignoring the voice of Bengal, one of them is to keep the present Ministry in power by the votes of the legislature. It is an open fact, Sir, that this House has echoed and re-echoed the voice of the public outside. The voice of the public was again expressed the day before yesterday at the Town Hall where in spite of the brutal repression of the Police all Bengal declared that the political prisoners, the internees, and the detenus should be released. It is to this voice of united Bengal that we ask Sir Nazimuddin to bend, if he really cares for the support and co-operation, and sympathy and good will of the people. Humanity demands that all the political prisoners, internees and detenus, who have been sent out of Bengal should be brought back to Bengal. I will not refer to the Andamans question to-day for I had occasion to do so the other day. To-day I would refer to Deoli. Deoli, Sir, is in the midst of a desert; the climate of Deoli is unlike that of Bengal; and its temperature is abnormal; the heat also is intense. It is in Deoli that several internees committed suicide; it is in Deoli that several detenus became insane; and it is in Deoli again that many were attacked with fell diseases. Such has been the condition of the prisoners in Deoli that they had had to take to hunger-strike. Hunger-strike is not resorted to as a matter of pleasure. If we refer to the petition of Andamans prisoners, we shall be able to know what it is that they wanted. As a matter of fact what they want is quite reasonable: they want repatriation of internees and political prisoners. Now, Sir, there has again been a hunger-strike

in the Presidency Jail here. So far as the question of humanity is concerned, we can fairly claim that Sir Nazimuddin, our Home Minister, will yield to the call of humanity.

There is another point—the question of justice and fair-play. Where is this justice and fair-play in keeping all these internees for so many years in jails, or camps, or other places of detention for an indefinite time? The ordinary canons of justice demand that they should be set at liberty, but their position is worse than that of convicted prisoners. The convicted prisoners know that at the end of a certain term of years they will get their release, but the detenus are kept in detention for an indefinite period of time. It will not do to refer to Sir Chandravarkar or Mr. Justice Beachcroft. Nobody will be deceived by their opinion. Even the verdict of an angel based on the evidence of spies and informers will not be accepted so long as justice and fairplay count in this world and sway the hearts of men.

There is another question. If the old Government put these people into jail, it is well to remember that, as a matter of fact, these prisoners have suffered so much that their agonies with their implications reached the ears of the British Prime Minister, with the result that the power so long enjoyed by the bureaucracy was transferred to the Indian electorate. Is it unreasonable or unnatural that these prisoners should be, on the advent of a new Government, expecting that they should be set at liberty or that their condition should be ameliorated? It has been said that terrorism is rearing its head again. We do not believe it. It is one of the pretexts of the old Government under which they continued the detention of these men. I say, Sir, that the drastic measures of the Government have failed again and again in their object and public opinion has made it impossible for these violent crimes to raise their head again in Bengal since 1934. The President of the Bengal Provincial Congress Committee has already assured the Hon'ble Home Minister that he will take every step to carry the message of non-violence from hamlet to hamlet—and even to the most distant parts of Bengal. What greater or better guarantee does the Home Minister want? Fishing for an admission of the guilt of the detenus on the plea that somebody must come forward and satisfy Government with regard to them—I say, this is adding insult to injury. I say, pour oil on troubled waters—then the ship of state may proceed smoothly—trust them, bring them to their homeland, give them freedom and allow them to be good citizens and do their duty to the country.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is most tragic that the mover of this resolution and the last speaker should have absolutely ignored the policy of Government announced in this connection. Even then objection cannot be taken with the policy of Government that has been announced to-day. To-day, Sir, at question time

Government's policy in this matter has been announced, and the trend of the speeches to-day has been as if Government have not expressed any opinion on this question. Mr. Lalit Chandra Das spent nearly two minutes in talking about Deoli, when it has already been announced that Government have definitely decided to bring the prisoners back to Bengal. It is not the question of the detenus that are there; it is pure and simple agitation—something to excite the public with—that is what they require. If there is any responsibility for the detention of the detenus it will be on the members opposite, because Government have made the offer that anybody can come forward to take charge of these detenus. We do not ask for any guarantee of good behaviour; nor any assurance from the detenus themselves. What we have offered is that responsible persons, guardians and parents will come forward and give an undertaking that they would look after these persons and then they can be released. Therefore that question of release of detenus does not arise. Apart from this automatic procedure which we have put forward by which a large number of persons is going to be released shortly, over and above that there is this offer. And if the public comes forward and accepts the offer, there is no reason why within a very short time we shall not have the majority of the detenus released.

Mr. LALIT CHANDRA DAS: Why not wholesale?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, I am trying to be cautious, and this release will depend on the co-operation and the attitude of the public, as well as public opinion in the country at large. If however agitation goes on, if youths are excited in the way that they have been, if youths are made the pawns of politicians, then, Sir, it will be very difficult for us to pursue the course of gradual release which we have been following and intend to follow. But if there is co-operation and support, if these people come forward, and only just look after them, and advise them and guide them, then there is nothing to prevent the majority of the detenus being released. What is more, Sir, the present Government have gone very far. The policy of the old Government was not to release at all, but to keep them detained till an indefinite period. This Government have accepted a policy of release. Over and above that Government have given them this offer, viz., that we shall give them an allowance after they have been released. But, nobody has made any comments whatsoever on that. Let me point out that one of the pertinent items in Government's offer—this is most important—this offer of release on the responsibility of men coming forward and looking after these people—has been ignored by the papers, and no comments have been made on it. They have not pointed out these salient and important features of the offer. The advantage that is behind this offer, has not been properly placed before the public of Bengal to the effect that the sole responsibility for

the release of detenus is now placed on the guardians and parents and responsible people of the locality. Apart from the automatic procedure that home internees who have been home-interned for three months will get their release and those who have been in village domicile for three to six months will be made home internees, there is this offer of ours. There is this automatic process, but over and above that there is this offer by which people can be released on the terms I have stated. And what do we find? Not even one member of this House got up and commented on this feature of our offer. The mover of the motion has spoken for a solid half hour and has never mentioned a single word about this (ironical cheers from the Congress Benches) and made no criticism on Government's offer. His speech could have been made in 1925, and word for word the same things had been said in 1928. The same things have been said on many occasions, and what the mover has got up and said, is nothing new. Every word of what he said, had been said in 1928-29. My reply to Mr. Das is this: in 1928-29 Government released every detenu that was detained then, and what is more they allowed all the repressive laws—everyone of them—to lapse—and what was the result? Within 18 days we had the Chittagong Armoury Raid case, and from 1930-34 a series of outrages were committed. This is a fact, Sir, which cannot be controverted.

Mr. LALIT CHANDRA DAS: There was no change of Government then.

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that this great responsibility has been placed in the hands of the people of Bengal, and the whole world is looking as to how this responsibility is going to be discharged. I also submit that no Government can discard caution in this matter, knowing the past history and the facts that we do know. What has occurred between 1930-34 to release detenus without any safeguards, without taking any steps to see that when there is any recrudescence of terrorism Government should be in a position to check that movement? And that is why we want this release to be gradual?

A member: What is the popular Government then doing?

The Hon'ble Khwaja Sir NAZIMUDDIN: Do not talk of popular Government in season and out of season. Let me now refer to what Pandit Jahawar Lal Nehru has said with reference to the action of the Congress Government in connection with the Cawnpore Mill Strike. If you have not read it, please go and read that, and don't talk about popular Government. Popular Government does not mean a weak Government, an inefficient Government, or an incapable Government. Popular Government means that it should carry on the government of a country on lines of firmness and should not be either unfair or unjust to any community or interest.

We are trying to release the detenus as quickly as possible and we are not merely releasing them and throwing them on to their families without any provision whatsoever, but during the first year of their release we are giving them some kind of maintenance from the State. Therefore you see that we have enunciated a policy which is not merely one of releasing them and leaving them to their own resources but of seeing that they are in a position to train themselves for some kind of profession and earn something. Government have gone a long way, I submit, to meet a substantial portion of the demand of the people of this province for the release of detenus and I am convinced that all reasonable people in Bengal will support the policy of Government in this connection and make it a success by giving us their co-operation, support and help so that the detenus may be quickly released. The time is practically up and I do not wish to say anything more.

Mr. LALIT CHANDRA DAS: May we know how many months you will take to release these people?

Mr. PRESIDENT: Every question must be addressed to the Chair. I will not allow any cross-table-talk. Mr. Kabir, I can give you only two minutes.

Mr. HUMAYUN KABIR: Since I am given only two minutes, I propose to deal with only two points raised by the Home Minister. I appreciate the offer he has made with regard to the question of detenus, and I am prepared to say that this offer is perhaps the best that Government can make if it looks at the question from the point of view of charity. But I think, that is not the question at issue. That may apply with regard to the political prisoners, but their question and the question of detenus are two different questions.

With regard to the political prisoners, the statement that the Hon'ble Home Minister has made goes a very long way. There it is the question of the clemency of the Government in view of the changed circumstances. With regard to the detenus, however, it is a different matter. It is not a question of clemency or charity. The Hon'ble Minister says "We are prepared to go so far, we are prepared to give this concession", but the question of detenus is a question not of concession or charity, but of elementary human justice. In this connection, I propose to place before the House two extracts from a moderate Muslim journal of this province. I do not always agree with its views, but these two extracts will show that even a paper run by the more moderate section of Mussalmans finds the policy of the Government unsatisfactory and timid. In the *Mussalman* of 13th August 1937, I find the following: "The question, therefore, is not that a promise has been made in response to the pressure of public opinion to release the detenus, but that whether the Government should deprive persons of

their civil liberty without giving them a fair chance to defend themselves." I may add that this opinion is expressed in the main leader of the issue.

This is the first point to which the Hon'ble Home Minister has not made any reply.

I shall read out another extract in connection with the second point. It is also from the same paper, which on this occasion has taken a very reasonable attitude. Says the *Mussalman*—

"The system of keeping informers and of not having open trials in Courts is defended because such approvers and informers have the danger of their lives. But it is forgotten that in the so-called safety of some persons whose informations are not infallible, justice, the very fundation of the State, is undermined. If certain persons have committed acts of a criminal nature, let them be deservedly punished. None would plead for them. But let them have a fair trial. Even in times of war, when ordinary law is suspended and military law is promulgated in some locality, an accused is given a fair chance to defend himself through his accredited agent before the military court. If he is punished he is so far satisfied that he had a trial. But the Ordinances and Regulations in Bengal do not give a man, detained, even a sporting change of an open trial. Is this the spirit of democracy which India is asked to accept? Is it possible in the midst of an army of informers who have to show some work, for the civil liberty to remain intact?"

Mr. PRESIDENT: Your time is up.

Mr. HUMAYUN KABIR: Since my time is up, I will conclude by referring to the experience of one of the Hon'ble Ministers of this House. The experience was—it is an open secret in Calcutta—that at one time he was on the point of being arrested for a very serious crime because of his supposed complicity. His complicity in that crime, had been reported by many independent informers! The order of arrest would have been carried out, but for his defence that he was out of Calcutta on professional duty at the time of the alleged crime. Can we believe in informers after this?

Mr. J. A. McKERROW: I have to thank the House for having already been patient enough to listen to my views on a somewhat kindred subject. I therefore propose to be very brief for I hope I shall never be the one to weary you.

And I am only repeating myself when I say that the Home Minister has from time to time reminded us of the impossibility of carrying on Government should justice be interfered with. I feel sure all members of this House will agree that any Government would be failing in

courage and duty if they allowed any tender feelings for individuals to outweigh their primary duty to preserve the country in tolerable order. This is my conception of the greatest good for the greatest number.

I had hardly expected at this time of day to hear the argument of imprisonment without trial so much stressed. We are all aware that the case of each detenu has been examined by an authority above reproach.

So many of my friends seem to imagine that a trial must of necessity take place in the Hall of Justice—a High Court or a Magistrate's Court. I think for the purpose of the Administration of Justice, which is the corner stone of the edifice of Courts, the method adopted is well suited. Very softly, for I see I am surrounded by legal luminaries—and on this particular point I should add that I am not speaking for the Group to which I belong but merely expressing my own personal viewpoint—I express the personal opinion that I should like to see such a simple and inexpensive way of administering Justice extended.

It is true that in Britain no such practice as imprisonment without formal trial in the courts has existed since the passing of the Habeas Corpus Act. Why? Because fortunately the necessity has not so far arisen, and laws are made to suit circumstances. If repeated attempts had been made to assassinate the Prime Minister and if a campaign of murder of valued Government servants had been rampant, special laws would speedily have been made to deal with the situation. In fact during the emergency of war-time, similar laws did actually exist. To point to what the Governments of certain other Provinces are doing, is unfortunate, for it merely reminds us that the disease is much worse in Bengal than elsewhere and where the disease is worse more prolonged nursing is necessary.

I, Sir, am of course not a lawyer, I make no pretence to be versed on those principles of law, on which are based the decisions, as to the extent and limits of criminal liability. But I would like to ask hon'ble members of this House this question.

May I envisage in the future the happening of a most untoward event, a murder—after the release of these detenus as a result of this resolution—the murder of one of our most respected Ministers. Now, Sir, on that day—if we project ourselves into the future—I would say this: For this foul, utterly senseless, useless and utterly inexcusable murder, the persons who are responsible are not those young detenus who have been caught—or who have committed suicide to the grief of their parents but, Sir, those hon'ble members in this House whose names you will find on the voting list of 16th August, 1937, as having voted in favour of the resolution which was passed that day and resulted in the premature release of all Detenus.

Mr. PRESIDENT: I am sorry to interrupt the hon'ble member. We have already exceeded the time-limit that was allotted to us. Our time was up to 4-15 p.m. There has not been yet a proper and reasonable debate. So I adjourn the House till 8-30 p.m. to-night.

Adjournment.

The Council then adjourned till 8-30 p.m.

After Adjournment.

Motion for Adjournment.

Mr. KAMINI KUMAR DUTTA: Sir, I have painfully to move the adjournment motion which runs thus:—

"That the business of the Council be adjourned to discuss a definite matter of urgent public importance, namely, the situation arising out of the charge made by the Police with *lathis* on the procession which was wending its way to join the public meeting held at the Town Hall on 14th instant in observance of the All-India Andamans Prisoners' Day and the injuries caused on many of the processionists including ladies, when they declined to lower the National Flags as directed by the Police and were defending the Flags from being snatched away by the Police."

Sir, the 14th August was a memorable day for all the Indians. It was the day fixed by the President of the Congress to be observed as the All-India Andamans Prisoners' Day. It cannot be ignored that this problem of Andaman prisoners and their sufferings on account of the hunger-strike adopted by them, has stirred very keen feelings throughout the length and breadth of the country. Without reverting to the question whether the hunger-strike is justified or not, it cannot be denied and it cannot be ignored that this problem of the hunger-strike is occupying the minds of the whole of India. In considering this question of hunger-strike, we have to bear in mind one point and that is that the problem of this political prisoners ought to be looked at from a different angle of vision. We should consider them not within the circle of the ordinary normal persons but somewhat outside the normal circle of the people. Their strong will and their ideals are quite different and their actions should not be judged from the ordinary standard which is applicable to ordinary people. I should not be understood to say that they are extraordinary people but certainly they are absolutely different from the ordinary run of people. When considering the question of a sick comrade of ours, do we extend the same principle of treatment as we do in the case of one in perfect health? You may call them sick in mind if you like, but certainly they are quite a different set of people who require different set of treatment—people with

different will and iron will. So in considering this question we should always extend our sympathetic heart and we should always have a charitable view about their acts and doings. Now, certainly in my adjournment motion, I am concerned more with what had actually happened on the 14th instant. The 14th instant was announced as an All-India Andamans Prisoners' Day and meeting was being held in observance, and to attend this meeting people were coming in processions with national flags in the hands of some of them flying in the air. When the procession had come up to the junction of the Strand Road and Esplanade West, a police force held up the procession. The sequence of the events are known to the whole public. What happened was this: after the procession was held up we found from various reports and very authentic reports that the superior police officers were there. The Commissioner of Police was there for some time and two of the Deputy Commissioners were present even at the time of the subsequent happenings. After the procession was held up there was some parley between the leader of the procession and the responsible police officers, the two Deputy Commissioners—particularly one Mr. B. N. Banerji.

The Hon'ble Mr. H. S. SUHRAWARDY: Rai Bahadur B. N. Banerji.

Mr. KAMINI KUMAR DUTTA: It is my mistake. The leaders of the procession tried their best to convince the responsible police officers that there was not the slightest intention on the part of the processionists to disobey the prohibitory order. Sir, in this connection we have to consider what the prohibitory order was and what was the intended object of that order. This prohibitory order, it is said, was issued in imitation of the British practice to prohibit a procession within a certain area around the Council House evidently with the object of preventing any interference with the proceedings of the Council and to prevent any sort of annoyance to the members of the Legislature. That was the only object of the prohibitory order: and at the time when the prohibitory order was passed it was stated that, that was the object and it was done in conformity with the British practice and rule. But, Sir, on the 14th of August there was no sitting either of the Upper Chamber or of the Lower Chamber, and there was no question of any interruption of any of the proceedings. There was no question of annoyance or interference with the freedom of any of the members of the Legislature. Still it was found that a strong police force was posted and they held up the procession which was not proceeding towards the Council House but which was proceeding to the Town Hall to attend the meeting there. What was the sequence of the events that occurred after the procession was held up? The leaders of the procession assured the responsible police officers present there that no intention of disobeying the order was within the four corners of their

minds and asked that they might be allowed to proceed in small batches. The police officers said that they could proceed in batches of ten people but that they would not be allowed to carry the national flags flying with them. It is impossible to understand the mentality of the police officers in this respect. Furthermore it has been stated—a responsible statement was made by the people who were in the procession—that they were ready to proceed one by one and not even in batches of ten. They were told that they should not carry the national flag—that was prohibited. Are we not justified in saying that the cloak of the prohibitory order was being abused not really to prevent the procession but really to kill the honour in us, which is worse than killing the body; it was done with the only object of dishonouring and disrespecting the national flag. The passing of people in batches of ten would not constitute a procession. They wanted to pass singly and certainly it cannot be called a procession under any interpretation which may be given by anybody. But the moment they carry the national flag it constitutes a procession. If it is not an abuse of the power of the police, I do not know what more flagrant abuse there can be. It was an abuse of the prohibitory order; the prohibitory order was never intended to be used for a purpose like this. Advantage was taken of this prohibitory order which was passed initially with a different object altogether and the advantage was taken only to dishonour our national flag, to kill the honour and sense of self-respect in us. We are proud of the fact that those who were in the procession preferred to preserve the honour of the nation, they preferred to preserve the honour of the national flag even at the risk of their body and even at the risk of their life. May I ask now what justification there was for the responsible police officer to say that he could allow the processionists to pass in batches of ten but he could not allow a single person to pass with the national flag flying in the air. The object of the police in holding up the procession is quite apparent. It leaves no room for doubt in the minds of anybody that the object was to dishonour the national flag. I must say here to all that it is not a question of a community, it is not a question of any particular section of the people, but it is question of the honour or the dishonour to your nation, and it is question of dishonour to your flag. It must be said that when the question of honour to national flag would arise, no Indian should lag behind in trying to defend the flag at any sacrifice and at any cost. And here, Sir, I would ask the Hon'ble Ministers, though they were not directly concerned in it but their joint responsibility is there, therefore I would ask them if it is not their duty to enquire into the conduct of the police officers in the present case. It is their duty to know why that particular attitude was taken by the police officers in asking the national flag to be folded up for which presumably there was no order. The police officers had absolutely no right to take away the flag and the processionists would give away their lives rather than the flag. It seems that the police officers wanted

to kill the soul but to preserve the body. So it should be the duty of the Ministers to enquire very carefully into the conduct of the police officers who dared to take this step and the country demands from the Ministry what steps they are going to take against these police officers who had adopted a procedure like this, and which they are not justified under the law to adopt. Sir, the object of the prohibitory order as I have already said did not extend to this sort of conduct; it would not protect these officers in their conduct. But Sir, it was really the national flag which they objected to. Then, the matter did not stop there. After the meeting was finished in Town Hall when the people who assembled there were leaving, the police prevented them from leaving with the national flag flying in the air. Even when the people were leaving not in procession even then the police did not allow them to carry their flags flying in the air, and consequently the flags had to be left at the Town Hall. Processions were not held, Sir, at that moment, but why were they not allowed to depart with the flags flying with them? The conduct of the police officers before and after the meeting would indicate the real mentality of these people in the whole of these occurrences. It has revealed the inner side of their mind and the country has a right to demand from the Ministry to make a thorough enquiry into the affair and to satisfy the country as to why and how these police officers were bold enough to adopt a procedure like this and explain to the country why these people who were responsible for the occurrences of the day, should not be brought to book?

Mr. PRESIDENT: Motion moved: "That the House do now adjourn."

Mr. E. C. ORMOND: May I rise on a point of information, Sir? With regard to the matter that was being discussed before the House adjourned, I understood you to say—it may be ignorance on my part—that the House had adjourned. I understood from that that the original motion which was then being debated would be proceeded with after we had re-assembled, and I also understood that Mr. McKerrow would have an opportunity of finishing his speech. If I had not so understood I suspect that other members of our group who had the same idea—if not I myself—would perhaps be called upon to move closure, at the moment of interruption. I understand that is also the practice in England where this practice comes from . . . .

Mr. PRESIDENT: Order, order. I have undertsood your point and the simple answer is this. Even if a closure is demanded it is for the Chair to accept it or not, because the Chair has to see that reasonable debate has taken place. Even if nine-tenths of the members of this House are anxious to conclude a debate, in the interest of the

remaining one-tenth, if they had not any reasonable opportunity of being heard, the Chair's duty would be always to protect their rights. But as regards the motion that was being discussed before we adjourned, if this House is not prorogued but is adjourned, then the resolution, that has been partly discussed, would be taken up in the next sitting, but if it is prorogued then the resolution will lapse; these are the rules by which we are governed.

Mr. E. C. ORMOND: I quite follow your ruling, Sir. But there is one further point to which I want to draw your attention without any further waste of time. I understand you when you say that it is for the President to see whether the minority has had a sufficient opportunity of discussing a matter and whether allowing a closure will be a breach of the rights of that group or not. But as the debate had come to an end so far as can be gauged by the period of time allotted for it, so that the debate was going to terminate in any case within that time, I take it that it means that the House has the right to move closure and that it would not be for the President to see in that event that it was in breach of the rights of full debate because from the necessity of things no other member could have an opportunity of speaking.

Mr. PRESIDENT: Will you please look up section 48 of our Council Rules and Standing Orders? It says—When any motion is under discussion, any member may move "that the question be now put," and unless it appears to the President that the request is an abuse of the rules of the Council or an infringement of the rights of reasonable debate, the question "that the question be now put" shall be put forthwith.

So it is for the President to decide whether he will accept a closure if he thinks that thereby there will be an infringement of the right of full debate. I may remind the House that an important group could not take part in this debate. Before I put the question it is my duty to see that all parties have had a reasonable opportunity to discuss a matter. It is entirely discretionary on the President to accept a closure motion or not.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. There is no denying the fact that the President is the sole authority——

Mr. PRESIDENT: That question is not before the House. If you like to say anything with regard to the adjournment motion you can rise on a point of order.

The Hon'ble Mr. H. S. SUHRAWARDY: But I do submit that when the time elapses the President must put the motion.

Mr. PRESIDENT: You must submit to the ruling I have given; it is your duty to obey it.

Mr. SACHINDRA NARAYAN SANYAL: Mr. President, Sir, I associate myself with the sentiments expressed by my hon'ble friend, the mover of the motion.

With the advent of the new reforms it was proclaimed that a new era was dawning upon Bengal in the shape of Provincial Autonomy. But the events that subsequently followed have amply shown that this was Autonomy with a vengeance. We heard that popular Ministers have been appointed, and that step by step we shall be moving towards the realization of the goal of Swaraj.

But Sir, whither are we drifting? The other day the Press was gagged. This was followed by an announcement that the detenus, detained without trial, must not be released on the score of public safety. The climax was reached on Saturday last, when a peaceful procession of ladies and students was charged with *lathis* on their failure to lower the national flag.

Maulana MUHAMMAD AKRAM KHAN: Congress Flag, not the National Flag.

Mr. SACHINDRA NARAYAN SANYAL: It may be the Congress Flag——

Mr. SHRISH CHANDRA CHAKRAVERTI: On a point of order, Sir. Is my honourable friend Maulana Muhammad Akram Khan entitled to take objection to what Mr. Sanyal was saying? Can he take objection to the Congress flag being described as the national flag?

Mr. PRESIDENT: Mr. Sanyal, please proceed with your speech. Don't give way, and no one will interrupt you.

Mr. SACHINDRA NARAYAN SANYAL: From all accounts available there is nothing to show that the processionists were unruly. All that they did, and which every patriotic Indian would have done under the circumstances, was that they refused to lower the national flag. But this was too much for the gallant guardians of law and order, and they made a cruel attack from which even the ladies were not spared.

Sir, we are told that the Ministry is responsible to the people. Is this the way to treat people? The time at my disposal is short, and I shall close by condemning the action of the police for this uncalled-for *lathi* charge and with a question to the Hon'ble the Home Minister whether the conduct of the police has since met with his approval.

Mr. D. J. COHEN: Mr. President, Sir, I rise to oppose this motion for two reasons. Firstly, because it is an unjustifiable criticism of the action of the police force. I have read an account of the affray in the *Statesman* and also the Government communiqué issued on the subject, and I consider that our duty in this House is not to find fault with the police but rather to commend them for their conduct. I consider that they exercised considerable restraint in the discharge of their duties, and it is a blunder, under these circumstances, to bring forward this motion. Sir, we require a fearless, well-disciplined police force, who, under the guidance of their superior officers, will carry out their difficult work with the least show of force. We can only continue to get this service if we commend them for good work and should only criticise them when they merit such criticism. We shall only, by this method, get the best out of them. On the other hand, if they are made to feel, notwithstanding all their efforts, that they can only expect condemnation, one can conjecture what the police force will be reduced to. It is because I know no one in this House wants this state of things to come about, that we should combine to throw out this motion.

The second reason why I oppose the motion, Sir, is equally important. The crowd deliberately chose to defy lawful authority, and we cannot but condemn such action. Personally, I feel sorry to find people, led by men who ought to know better, being exploited for political purposes in opposition to the Government of the day. I want the House to reflect where this will lead to, unless checked. Once people, and amongst them are impressionable young men, are imbued with the feeling that defiance of lawful authority will obtain for them the support of a section of the general public who are prepared to applaud them for their action, the result will be disastrous.

I, therefore, oppose this motion vehemently.

Mr. D. H. WILMER: Mr. President, Sir, I regret that my maiden speech should be made in this hon'ble house in an atmosphere which may be described as tense. Since 4-30 p.m. this afternoon the question now before this hon'ble house has been debated. I was not here to hear what was said but I am thankful that the atmosphere has to some extent been cleared from the effects of the flood of oratory that must have taken place during the last two hours.

This resolution involves various bodies and various individuals. It involves, first of all, the Government because I think we must assume that it is intended to be an attack upon Government. It involves, secondly, the police officers and those constables who were on duty on Saturday afternoon. It involves, thirdly, the people who took part in the procession. It involves, fourthly, the people who are responsible for those processionists being in the streets on Saturday

afternoon; and finally, and most important of all, it involves the honour, the commonsense and the integrity of this hon'ble house.

So far as the Government are concerned, they are here to speak for themselves but the police officers and the constables are not here. I am not quite clear whether the hon'ble mover suggests that the police officers and the constables committed a breach of the law. He has not said so. He has suggested that an interpretation should have been placed upon the Commissioner's order and that it should not have meant what it said, because on Saturday afternoon most law-abiding people might be expected to be at football matches instead of attending the Bengal Legislature. But the law is the law and it is the duty of all good citizens to obey it. There is no such thing as bad law. There is only one thing, namely, the law. I cannot believe and I cannot expect this honourable house to believe that the people who sent these young men and girls into the streets on Saturday, did not know what the law was. My sympathy is with the young men and the girls, not because they were asked to furl their flags (I will not use the word 'national') but because they were sent into the streets on such a mission. The girls are the future mothers of Bengal and the boys are going to be the future manhood of Bengal.

Mr. SACHINDRA NARAYAN SANYAL: They are not going to marry.

Mr. PRESIDENT: Mr. Sanyal, this is his maiden speech and I hope you would not interrupt him.

Mr. SACHINDRA NARAYAN SANYAL: I beg your pardon.

Mr. D. H. WILMER: I submit that these young men and girls should not be thus influenced and I hope and trust that for the good of this province and India in general the practice of submitting young men and girls to the influence of politics will be stopped.

Lastly, the gentleman who preceded me has already said what I wish to say on behalf of the police. The police were doing their duty. We know from a well-known song that a policeman's lot is not a happy one. Sometimes he has very difficult duties to perform. I wish to pay my humble respect to the constables of Calcutta in particular and of Bengal in general. Can we forget the great services rendered by them throughout the terrorist trouble? It was they who saved the province from anarchy and to-night I say that if there is a suggestion that a constable or a few constables have possibly exceeded their authority the two houses of the Legislature should not be asked to spend hours discussing the question. I submit that the men on duty are entitled to the benefit of doubt. I have read the reports in the

papers; in my humble opinion there is no question whatsoever about the legal aspect of the case. The processionists were breaking the law, the constables were doing their duty and I submit that they are entitled to the consideration of this House.

Mr. RANAJIT PAL CHOUDHURY: I rise to support the adjournment motion in a very wide manner. I cannot make up my mind and believe that the Hon'ble the Home Minister gave any orders to roughly handle the processionists but I do believe that it has been done or it has been due to the overzealous underlings, who want to justify their existence and who want some prize for their *zaburdasti* in order to get their term of service extended. The powers of the police are enormous but that is no justification for any abuse of those powers. Besides there were girls and ladies in the procession and I am sure it was not the intention of the Home Minister that they should be molested in any way. Had it not been for these underlings I am sure the Ministry would not have to face so many adjournment motions in such a short period of time. The present Ministry would show some clemency as has been done in the other provinces. I appeal to the Home Minister to look into this particular incident and give such orders that those who have the power, do not abuse it. With these few words I support the motion moved by Mr. Kamini Kumar Dutta.

Mr. MESBAHUDDIN AHMED: I beg to move that the question be now put.

Mr. PRESIDENT: I am sorry I cannot accept the closure motion at this stage.

Mr. MOAZZEMALI CHAUDHURY addressed the House in Bengali. The following is the English translation of his speech:—

Mr. President, Sir, in discussing to-day's adjournment motion an account of police oppression perpetrated on unarmed people especially students both male and female, has been given which, even if partially true, calls for prompt action on the part of the authorities concerned. From the account it appears that we are just living under the same condition as in 1930 when the civil disobedience movement was launched. It is hard to imagine and intolerable that in 1937 when the provincial autonomy has already come into being, the police could venture to perpetrate such oppression and that on women in public thoroughfares. It has been said elsewhere that the organisers of the procession allowed young girls from schools and colleges to participate in the procession inspite of the prohibitory order simply because they aimed at creating a situation convenient for carrying on propaganda

against the ministry. I think a charge like this is absolutely unfounded and incredible. The processionists had in view the object of setting up a movement for the repatriation of the prisoners in the Andamans as also of putting up before the Government a united demand for their repatriation. The only sons of so many mothers of this country, brothers of so many sisters and husbands of so many wives, were on their death-bed in the prison in the Andamans,—who will join the procession if these mothers, sisters and wives do not?

The motive of participation in the procession being thus quite obvious, it is for consideration whether the police acted within the bounds of law or otherwise in doing what they did. The press note issued on the subject by the Government and the description of the occurrence as given by distinguished citizens and members of the legislature who were eye-witnesses are diametrically opposite and contradictory to each other. In these circumstances I place greater faith in the account given by my fellow members of the legislature than in the statement of the police. I also invite the Hon'ble the Chief Minister and the Hon'ble the Home Minister to do likewise. But if they disagree, I request them to undertake a personal inquiry into the conduct of the police and to punish them adequately in case they are found guilty.

I particularly make this proposal for enquiry because I am a Moslem member of the Krishak-Praja Party of which the Hon'ble the Chief Minister is the leader. Both he and myself belong to the Moslem community, whereas most of those who have been oppressed, prosecuted and belaboured come from a different community. Hence, it will not be proper for the ministry to allow the public to labour under any misapprehension that no action was taken in the matter for the simple reason that the majority of the present cabinet are Moslems and depend for their authority on the Moslem members of the legislature.

Lastly, I humbly appeal to the Hon'ble the Chief Minister to institute an immediate enquiry into the matter in question and to take steps for the repatriation of the prisoners in the Andamans who are on hunger-strike. This is the best opportunity for him to show his liberal-mindedness and I hope he will not miss such an opportunity.

Mr. BANKIM CHANDRA DATTA: Mr. President, Sir, the charge of the "*lathi* brigade" will form a glorious chapter in the administration of this Ministry. This is making a history, and if I may say so, making a history with vengeance. It will be remembered by us all. They are outdoing the old Government. The use of *lathi* as a weapon for checking the progress of peaceful processionists is unknown in any civilised country and after all who were in the procession—children, young men and ladies—and what were these peaceful processionists

going to do—to express their sorrow and sympathy for the unfortunate young men in that distant place wrenched from their hearth and home. These young men are dying by inches. In all seriousness, Sir, I would ask the Hon'ble Minister in charge of Home Department, would you call it a sin or a crime for a father crying for a dying son, for a brother crying for a dying brother or a friend crying for a dying friend in a distant place? Would it be a crime under any code, and far less under your code? If so, it is difficult to appreciate or understand that code. Sir, it is possible for the Hon'ble the Home Minister to witness the grim march of those hundreds of young men to the valley of death unconcerned, unperturbed taking his seat as they say, on a granite rock, but I would, humble as I am, utter a word of caution and that is this, that the tears of the afflicted families of Bengal might swell into mighty waves which might in time wash away the granite rock into the bosom of the sea. I beg of him, Sir, to give a little of his heart into the matter to get his eyes and ears to co-operate with his heart and thereby help to temper justice with mercy. Sir Nazimuddin, if you do that I think you will achieve all that you want: you will win the hearts of those young men. I can tell you that on their and our good will and on the co-operation of us all will rest everything and there will be no further trouble about it. Give them your heart and they will give you theirs.

Sir, a question has been raised that laws as they are now, must be obeyed. I agree, but laws, I take it, are changed and have to be changed to keep pace with the progress of time and change of circumstances. What is good law to-day may be declared bad law to-morrow. The history of the English constitution, I think, is replete with instances like this. I close, Sir, by appealing to the Home Minister again to be more humane in treatment of these matters.

Mr. HUMAYUN KABIR: Mr. President, Sir, it is with a sense of sadness that I rise to speak in support of this adjournment motion, sadness that such a motion for adjournment over such an issue should have come before this House at all, greater sadness that such a motion for such an adjournment should have come to-day when after the promulgation of the Government of India Act, 1935, we are trying to persuade ourselves that we are living under a popular Government in the days of provincial autonomy; still greater sadness that a motion for adjournment on an issue like this should come before this House at a time when the executive of the Provincial Government is placed in the hands of the leader of the party to which I have the honour to belong. It is therefore, Sir, with a sense of sadness that I rise to support the motion for adjournment.

I take it, Sir, that the question before the House to-day is, how far were the incidents alleged to have taken place before the Town

fall on the evening of Saturday accurately reported in the different versions which have so far reached us, and secondly, how far under the circumstances were the police acting within their legitimate rights in taking recourse to the line of action which they actually adopted.

Sir, I propose to consider these two questions one after the other. When this question of adjournment first came before the House, an issue was raised that the incidents referred to in the adjournment motion are already over and that there is therefore no issue of immediate and urgent public importance. Sir, I beg to dissociate myself from a view like that. If these alleged incidents have taken place—whether they have taken place or not is a part of the question,—it is not a matter which can be brushed aside in that manner. I would submit that it is a question of the violation of a right which belongs to everyone of us. It is not a wrong against particular men who took part in the procession on that evening, but against everyone of us; we all share in the violation of rights which has taken place on that occasion.

I am now taking into consideration how far the incidents did or did not take place. I do not propose to refer in this discussion to the reports which have been published in different papers. I wish to base my remarks entirely on the report which the Government thought fit to issue through the Press Officer and to circulate to the different papers. I want this House to consider calmly and dispassionately how far the report circulated by the Government Press Officer justifies the action of the police under the circumstances which have been reported in this press communique.

Sir, it is stated by the Press Officer that when the procession first came to the spot, there was some occasion for provocation. The actual language is, "The facts are that, on the arrival of the procession at the spot referred to, the processionists instigated by certain persons who were leading them, rushed against the police cordon with flags flying and attempted to break through". This, Sir, it has been suggested, took place at 4-15, but for this attempt of the processionists to break through the police cordon, no further attempt was made. If the police had acted under this sudden and grave provocation, I might have understood it. If the violence of the police could be justified under any circumstances, it would perhaps have been justified immediately after the alleged occurrence. If the police had acted in self-defence, the question might have taken another turn. But the Press Officer himself tells us that nothing further happened then.

According to the same Government report, the processionists sat down for more than an hour. For more than an hour and a quarter, from 4-15 to 5-36 p.m., these two groups sat facing one another. There was one group—the police cordon with *lathis*, and the other—the processionists calmly sitting on the ground. It is therefore clear that even according to the version of the Press Officer there was no case of

provocation as a result of which the police were forced to act in self-defence. Even the press report does not for a moment suggest that any incidents took place. The report is clear that after one hour and twenty minutes had passed, after all provocation from the processionists had ceased to have any effect, when the matter was being calmly dealt with, the police took the initiative in their own hands. It was then that the situation changed. It was after an hour and a quarter, when all grounds for provocation, if any, had been removed that the police took the initiative in their own hands.

Then it is stated in the report that as all attempts to convince the processionists concerned of the legal position and their obligation either to comply with the lawful orders of the police and to disperse elsewhere, failed, they were finally given five minutes in which to remove the obstruction that they were causing on the roadway, and to disperse and proceed elsewhere. It is thus clearly suggested that the immediate cause of the violence on the part of the police was the failure of the crowd of processionists to carry out the order of the police to disperse.

Sir, I find there are certain interruptions from certain members of the Treasury Benches. If such interruptions are to the point, I welcome them; but there are members who make interruptions because it is a habit with them to do so; they want to interrupt because they have no control over themselves and cannot listen calmly to others. I submit that that sort of interruption deserves only to be brushed aside.

I shall proceed again with the analysis of the situation. I submit that in this House we ought to discuss this question calmly, intellectually and dispassionately. In legislative matters, however strongly we might feel, we ought to control ourselves and discuss calmly and dispassionately. And I might here refer to the fact that the coolness of the atmosphere of this room should have some effect on the less stable members of the Treasury Bench. When we enter into arguments, we should do so with that spirit of intellectual detachment which alone justifies us in taking decisions that might profoundly affect the history of our country.

Sir, I proceed further with the report as submitted by the Press Officer. It is clear from the report itself that there was no attempt on the part of the processionists to take the initiative in their own hands. I submit the British Empire would not have been overthrown, provincial autonomy would not have been endangered if the police had waited till the procession retired. During the civil disobedience days—I cannot speak from personal experience because I was not in the country at the time—but I believe it was the custom of the police to face the processionists till the patience of the one or the other gave way. In the situation of last Saturday, if such a procedure had been followed, if the police had calmly taken the situation under control, if they had

done so, no further incidents would have occurred, no such ugly situation would have been raised as that with which we are faced to-day.

Sir, I ask further, that finally when the police took the initiative in their own hands, what was the manner in which they proceeded? Did they proceed to discuss with the processionists? Did they give an opportunity to them to peacefully disperse? It is clearly stated in the report of the Press Officer himself that the magnificient time of five minutes was given to a big crowd to disperse, and it was suggested that if within this generous allowance of five minutes, the processionists did not disperse, the police were going to take the matter in their own hands.

And what did happen? I will again quote from the report of the Press Officer: "From the misleading accounts referred to, it might be supposed that the police immediately began to beat the processionists; this is entirely false." But the Press Officer himself states that the police moved forward holding their *lathis* horizontally so as to push the obstructionists forward with the minimum amount of force. Sir, the police did not beat the processionists; they only moved forward with their *lathis* in a horizontal position!! I would like the House to consider what this statement means. I take it that an army ordered to march through a body of men also moves with its bayonets placed in a horizontal position. I submit that when the police moved forward holding their *lathis* horizontally, this was a case of the use of force and the use of force was more than was justified by the circumstances with which they were faced.

Then, Sir, it was not only a case of moving forward with *lathis* in a horizontal position, but very soon the horizontal *lathis* became vertical and the entire situation was changed. After that, even though there was admitted use of force by the police, we are told that there was no casualty among the women members of the processionists, and there were twenty-three male casualties only, none of which was of a serious nature! If the police moved with *lathis* in a horizontal position which later became vertical, how was it possible that the *lathis* were mysteriously directed to only the male section of the processionists and left the feminine section entirely alone?

As my time is almost up, I am afraid, Sir, that you will not allow me to develop the other points, but I would like before I conclude to submit this in all seriousness to the Hon'ble Minister for Home Affairs. We make it in the public interest and would appeal particularly to our leader who is the head of the executive government of this province. Since there are differences, and since even the Press Officer's report on the face of it is not trustworthy, because there are inconsistencies, and even if we overlook these inconsistencies, since there is in the report

of the Press Officer an admission of the use of violence by the police, if the Home Minister will form a Committee of this House with three or four members and himself as Chairman to look into the charges, to see how far the alleged facts are really true, and whether the police used more force than was necessary, I think the honourable mover of the motion for adjournment may be persuaded to withdraw his motion, and that would, I am sure, create a better atmosphere both within the House and outside than anything else that might be done.

Mr. PRESIDENT: I accept the closure. The question is that the question be now put.

On a division being claimed the Council divided with the following result:—

AYES.

Ahmad, Mr. Naziruddin.
Ahmed, Mr. Meebahuddin.
Baksh, Mr. Kader.
Barua, Dr. Arabinda.
Chawdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorsed Alam.
Chowdhury, Mr. Rezzaqui Haider.
Cohen, Mr. D. J.
D'Rozario, Mrs. K.
Ellahi, Mr. S. Fazal.
Haider, Nawabzada Kamruddin.
Hassin, Khan Bahadur Saiyd Muazzamuddin.
Hassain, Mr. Latafat.
Hossain, Mr. Mohamed.
Huq, Mr. Syed Muhammad Gaziul.
Ibrahim, Khan Bahadur Maulvi Muhammad.
Khan, Khan Bahadur Muhammad Asaf.
Khan, Maulana Muhammad Akram.
Laidlaw, Mr. W. B. G.
Lamb, Mr. T.
McKerrow, Mr. J. A.
Molla, Khan Sahib Subidali.
Mamin, Begum Hamida.
Ormand, Mr. E. C.
Rahman, Mr. Mukkiesur.
Rashid, Khan Bahadur Kazi Abdur.
Ray, Mr. Nagendra Narayan.
Roy Chowdhury, Mr. Krishna Chandra.
Shamsuzzaha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.
Wilmer, Mr. D. H.

NOES.

Chakravorti, Mr. Shrish Chandra.
Chaudhury, Mr. Manzzemali.
Das, Mr. Lalit Chandra.
Datta, Mr. Raukim Chandra.
Datta, Mr. Narendra Chandra.
Dutta, Mr. Kamini Kumar.
Raswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Pal Choudhury, Mr. Ranajit.

The motion was adopted.

Mr. PRESIDENT: Before I call upon Mr. Kamini Kumar Dutta to reply, I may tell the House that the common parliamentary practice is to consider an adjournment motion as a censure on the Government; and except in the case of an acute difference between the House and the Government, it is usual to withdraw such a motion. These motions enable the legislature to have a discussion on urgent matters of public importance, and it gives also the Government an opportunity to make a statement and to explain the position. Now, it is for the hon'ble mover of the motion to say whether he is disposed to withdraw it.

Mr. HUMAYUN KABIR: Sir, you have told us that the usual parliamentary practice is not to press these adjournment motions unless there is an acute difference between the House and the Government. I submit that if there is a statement from the Government member on the subject, it will clarify the matter.

Mr. PRESIDENT: Under section 43 (3) of the Rules and Standing Orders, the Hon'ble Minister in charge of the department concerned has the right of reply after the mover.

Mr. KAMINI KUMAR DUTTA: Sir, after I hear the Hon'ble Minister's reply, I shall be in a position to say whether I should withdraw my motion. I expected the Hon'ble Minister to take part in the debate earlier.

Mr. PRESIDENT: Mr. Dutta, you have the right of reply. If, after the statement of the Hon'ble Minister, you are satisfied, you can withdraw your motion.

Mr. KAMINI KUMAR DUTTA: I should like to make my reply now. After hearing the reply of the Hon'ble Minister in charge, I can make up my mind as to whether I should withdraw my motion or not.

Sir, it is a well-recognized principle that a prohibitory order is not to be regarded in the same light as a substantive law. A prohibitory order is always passed for a particular purpose and with a particular object in view; and such orders are very sparingly passed and extreme caution is always taken in the application of such orders, because there is always a risk that the executive which passes the prohibitory order may misapply the order for an indirect purpose. So those who are in charge of the administration always take extreme care that the underlying principle of such orders in their application is carefully observed, so that the orders may not be utilised for an indirect purpose by straining the meaning of the orders or for an object for which the orders were not initiated. It will not be, I think, swerving an inch from truth to say that the impression is gaining ground in the country that the prohibitory order was utilised on that particular day for an indirect purpose, *i.e.*, for a purpose for which the order was not launched. It is not really a happy thing for the Minister charged with the administration especially at a time when a new regime is being inaugurated to create an impression in the country that an executive order passed for one object should be utilised for another object. As the scope of the executive order was very narrow and it was utilised for another object, one should be tempted to say that it was used for the purpose of suppressing some national movement. I would again bring it to the notice of the

Ministry that the gaining of the ground of such an impression would not be a thing which the Ministry would welcome and welcome at the very commencement of their regime.

Mr. PRESIDENT: I may remind Mr. Dutta that the scope of reply is very limited. No new points can be raised and the reply should be restricted to the points that have been already raised.

Mr. KAMINI KUMAR DUTTA: As to the manner in which the prohibitory order was executed by the police, I can say without any fear of contradiction that it was done in violation of the civic right. It has been stated in the Government communique that brickbats were thrown at the police officers. It is the experience of many of us that the throwing of brickbats is often done not really by those who are members of the procession but by those who are either agents provocateur or by cowards—there are always some cowards who get mixed up, though they really do not belong to the procession but loiter behind the procession, and these people throw brickbats. Police officers are certainly experienced in this matter and should not be frightened by the throwing of a few such brickbats which was really not an act of the processionists. Of course as you have reminded me, Sir, my scope of reply is very limited. One thing that I should refer to—and I did refer to it when I began my speech—is that in the official press communiqué which was issued, it has not been denied that the flags were snatched away and that the whole trouble did really arise in regard to the question of allowing the processionists to proceed with flags flying in the air. I need not dilate further on this subject and I would patiently listen to what comes from the lips of the Hon'ble Minister in charge. I would again say let not the impression go forth that the executive order was being abused for an indirect purpose.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am really surprised, after hearing the mover when he delivered his speech and when he just gave his reply, to find that practically there was no grievance whatsoever for which he can complain. What is the chief grievance? Is it the *lathi* charge or is it dishonouring the flag? Let me take them, Sir, one by one. If it is a question of dishonour to the "national flag," which we on this side of the House do not accept as the national flag but as the Congress flag, then I say, Sir, that Government have allowed the procession to come with flags flying from somewhere in the heart of Calcutta right up to the vicinity of the Town Hall. No interference whatsoever was made with the flag, and what is more, Government adopted the procedure which they had adopted on the 9th instant, when a similar meeting was held. On that day also the prohibitory order was there, and when all those who came

with flags flying were requested to furl the flag and not to lower it—the words used, viz., lowering, etc., are absolutely incorrect—and go in batches of ten to the Town Hall, they complied with the request on the 9th; and even on the 14th most of the processionists complied with this same request. There was only one lot—one batch among the processionists—that came from a particular area or rather from one particular direction, that refused to comply with this request. I do not see where the insult to the Congress flag comes in. The interpretation put by the Commissioner of Police was that if you carry the flag flying then it would be interpreted as going in procession, and as the prohibitory order was there, it was necessary that they should furl the flag and not fly it. I ask this House, Sir,—and especially the members opposite—where the question of insult to the flag comes in. When you do not use the flag, you furl it up for there is no occasion for its being unfurled. When you are in procession, you keep the flag flying. When you are not supposed to be in procession, the only way to honour your flag is to furl it up; and I consider, Sir, that it would be dishonouring that flag if you carry the flag with no one behind it. (Ironical cheers from the Congress Benches.)

A member: An ingenious interpretation indeed!

The Hon'ble Khwaja Sir NAZIMUDDIN: Therefore, Sir, there was no question of dishonouring the flag, and there was never at any time any such question. The processionists stood there for an hour and a half with the flag flying. Did anybody come and ask them to furl it up or to put it down? Let me make it clear that it is a gross misrepresentation of facts to assert that there was anything done by Government or its police officers to dishonour the flag. They were there to maintain law and order. They were told by the Commissioner of Police, the Deputy Commissioner of Police, and his subordinate officers that they were to see that no procession passed through the prohibited area, and those officers had no right to exercise their individual judgment, but they were only to carry out the orders as were given them by the Commissioner of Police, and they simply did their duty. They tried their level best to do it, and they did it very well indeed. What more proof can there be that they did not act wantonly? During the one hour and a half that the procession stood there the police officers exhausted all their persuasive requests and arguments for all that time. They requested these people to listen to reason, but, Sir, if people deliberately refuse to listen to reason and if they were determined to do what they were told not to do, if they were determined to break the law, then what was the course to be adopted? Even then, Sir, they were given a warning, and here, Sir, I would refer to the speech of my young friend Mr. Humayun Kabir.

which I should think built up the case in the best way possible, he left out one portion of the communiqué perhaps due to oversight—or it may be deliberate on his part. And very likely he could not have built up his case without doing so. He said how it was that the *lathis* of the police fell only on men and not the girls and boys. He was reading from the communiqué, and I am sure he will find that at the bottom it is written that before any advance was made against the procession the first thing that the police did was to throw a cordon round the girls, so that they should not be hurt at all, so that they may not be stampeded by the crowd when it began to flee. A cordon was placed round them, and they were arrested and put into a van and sent to Lal Bazar. Therefore, Sir, the question of assault on the girls does not arise. There is no reported case, so far as we know, up till now, of any girls being injured. (Cries of "Question, question" from the Congress Benches.) The tragedy of the whole thing, Sir, is that members of this House have listened only to wild allegations and to wild rumours. I may say that one M. L. A. phoned to me at 7 a.m. on the morning of Sunday and inquired whether it was a fact that Dr. J. M. Das Gupta and Mr. J. C. Gupta had been arrested. He also said that some people had been killed and that some were seriously injured; I may add that he was very careful to say that he was not very sure about the report of people being killed, but that he had only heard a rumour to that effect. He also said that he had heard that no women had been injured. And what did happen, after all? About 23 persons were injured and slightly injured, because they refused to obey the lawful orders of the police. Apart from the fact that there was assault on the police, these people sat down on the road and on the main thoroughfare and remained there for one hour and a half. Mr. Humayun Kabir suggests that they should have been allowed to remain there up till 9-30 p.m., for that was the time when the meeting in the Town Hall broke up. But in that case, Sir, all traffic would have been stopped. That is one way of governing the country, and another way is to tell them to go, and if they do not go, to try to push them to go. In this case the minimum amount of force was used. I have pointed out before that Government must maintain law and order. People must recognize that there is a Government. The mover of the motion has laid stress on the prohibitory nature of the order. May I ask, Sir, why the organizers of the procession did not apply to the Commissioner of Police for permission? In view of the fact that the legislature was not sitting on that day, the permission would have been granted as it was granted on Sunday to those who carried a procession to the Town Hall. Why is it that they refused to apply to the Commissioner of Police for permission, may I know? Is there any reason why they should not have done so and why they should not recognize the authority of the Commissioner of Police?

Mr. SHRISH CHANDRA CHAKRAVERTI: Why were the processionists permitted to take out a procession to the Town Hall on Sunday, the day following?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because the organizers of that procession asked for that permission. But it is in the mentality of these people to refuse to recognize the existence of ordered Government and of the fact that there is such a thing as law and order. It is this which is the cause of all this trouble, the blame for which, however, is thrust entirely on Government, when people are injured. But, Sir, what is the reason that these things are happening? And, Sir, why these gentlemen, knowing that there was such a thing as the prohibitory order in force, why had they deliberately taken women and boys there, and placed them in the front and not in the rear—but right at the front? And when incidents happen they blame the Government for them. Is that fair, is that proper, is that the way of doing things? Is it right and fair to bring out school and college girls for the purpose of demonstrations and illegal processions? But, who are responsible for that? It is the people who have encouraged and do encourage these girls and boys to come forward. After all, these processionists, etc., are not the voters, they do not constitute the public. Why bring out school and college girls as also school boys and college boys and not adults? That is the tragedy of the whole thing: the imagination of these immature and young boys and girls is being excited. If you had got the reports of the speeches delivered on the 9th and the 14th of this month, you would have been absolutely shocked and surprised to read them The sort of thing that has been allowed to be spoken there would have simply shocked you, and it is sheer asking for trouble to allow these young people to make these wild speeches, and to excite boys, which leads to serious trouble afterwards. Here in this House we are trying to release the detenus, to create an atmosphere of peace and tranquility and trying to do some constructive work, and if now this kind of agitation is started, and if the conditions that were prevalent at the time of the non-co-operation movement and the civil disobedience movement are created again—if we have a recrudescence of those kinds of conditions—the natural result of them will be terrorism again. After the non-co-operation movement of 1924-25 and the civil disobedience movement of 1933-34 terrorism came into being —that we must remember.

Mr. LALIT CHANDRA DAS: What has happened after the new constitution has been inaugurated?

The Hon'ble Khwaja Sir NAZIMUDDIN: Evidently, Sir, if there is terrorism, it will be due solely to my friends opposite, because we

have been trying our level best to create an atmosphere of good-will. And because we are trying our level best to work out our programme on constructive, sound, and national lines—and if we are not allowed to do our real work, if we are asked to meet here adjournment motions every day and to reply to short-notice questions—if anything goes wrong, the blame will surely lie on the shoulders of those who prevent us from doing our duty. Therefore, I want to make it quite clear before I conclude that at no time had the present Government wanted to show any disrespect to the Congress flag or to any other flag. On the contrary, we always respect the sentiments of other people and there has never been any question whatsoever at any time of showing any disrespect to anybody or to anybody's feelings. At the most, Sir, it may be said by the Opposition that there has been a misunderstanding only, and nothing more. I again repeat, Sir, that there has never been any question of showing any disrespect whatsoever on the part of Government.

Mr. PRESIDENT: Mr. Dutta, have you anything to say in reply to this point?

Mr. KAMINI KUMAR DUTTA: I have nothing to say, Sir, but I do not want to withdraw.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, may I draw your attention to the fact that one of the Ministers—I mean the Hon'ble Mr. H. S. Suhrawardy—is saying "Aye" in ridicule?

Mr. PRESIDENT: Order, order. The question is that the House do now adjourn.

The motion was negatived.

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor that the Bengal Legislative Council do now stand prorogued.

Members Present:

The following members were present at the meeting held on the 16th August, 1937:—

(1) Ahamed, Mr. Nur.
(2) Ahmad, Mr. Naziruddin.
(3) Ahmed, Mr. Mesbahuddin.
(4) Baksh, Mr. Kader.
(5) Banerjee, Rai Bahadur Keshab Chandra.
(6) Barua, Dr. Arabinda.
(7) Bose, Rai Bahadur Manmatha Nath.
(8) Chakraverti, Mr. Shrish Chandra.
(9) Chaudhury, Mr. Moazzemali.
(10) Chowdhury, Khan Sahib Abdul Hamid.
(11) Chowdhury, Mr. Khorshed Alam.
(12) Chowdhury, Mr. Rezzaqul Haider.
(13) Chowdhury, Mr. Humayun Reza.
(14) Cohen, Mr. D. J.
(15) Das, Mr. Lalit Chandra.
(16) Datta, Mr. Bankim Chandra.
(17) Datta, Mr. Narendra Chandra.
(18) D'Rozario, Mrs. K.
(19) Dutta, Mr. Kamini Kumar.
(20) Ellahi, Mr. S. Fazal.
(21) Goswami, Mr. Kanai Lal.
(22) Haider, Nawabzada Kamruddin.
(23) Hosain, Khan Bahadur Saiyed Muazzamuddin.
(24) Hossain, Mr. Latafat.
(25) Hossain, Mr. Mohamed.
(26) Huq, Mr. Syed Muhammad Ghaziul.
(27) Ibrahim, Khan Bahadur Maulvi Mohammad.
(28) Kabir, Mr. Humayun.
(29) Karim, Khan Bahadur M. Abdul.
(30) Khan, Khan Bahadur Muhammed Asaf.
(31) Khan, Maulana Muhammad Akram.
(32) Laidlaw, Mr. W. B. G.
(33) Lamb, Mr. T.

(34) Maitra, Rai Bahadur Brojendra Mohan.

(35) McKerrow, Mr. J. A.

(36) Molla, Khan Sahib Subidali.

(37) Momin, Begum Hamida.

(38) Mookerjee, Mr. Naresh Nath.

(39) Mukherji, Rai Bahadur Satis Chandra.

(40) Nicholl, Mr. C. K.

(41) Ormond, Mr. E. C.

(42) Pal Choudhury, Mr. Ranajit.

(43) Poddar, Mr. H. P.

(44) Rahman, Khan Bahadur Ataur.

(45) Rahman, Mr. Mukhlesur.

(46) Rashid, Kazi Abdur.

(47) Ray, Mr. Nagendra Narayan.

(48) Ray Chowdhury, Maharaja Sir Manmatha Nath, Kt., of Santosh.

(49) Roy Chowdhury, Mr. Krishna Chandra.

(50) Sanyal, Mr. Sachindra Narayan.

(51) Sarker, Mr. Indu Bhusan.

(52) Sen, Rai Sahib Jatindra Mohan.

(53) Shamsuzzoha, Khan Bahadur M.

(54) Singh Roy, Mr. Saileswar.

(55) Sinha, Rai Bahadur Surendra Narayan.

(56) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

(57) Wilmer, Mr. D. H.

Members Absent:

The following members were absent from the meeting held on the 16th August, 1937:—

(1) Chowdhury, Mr. Hamidul Huq.

(2) Esmail, Khwaja Muhammad.

(3) Jan, Khan Bahadur Shaikh Muhammad.

(4) Mookerji, Dr. Radha Kumud.

(5) Roy, Rai Bahadur Radhika Bhusan.

Ministers Present:

The following Hon'ble Ministers attended the meeting held on 16th August, 1937:—

(1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A. (Chief Minister).

(2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.

(3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.

(4) The Hon'ble Sir Bijoy Prasad Singh Roy, Kt., M.L.A.

(5) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.

(6) The Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar, M.L.A.

(7) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, M.L.A.

(8) The Hon'ble Nawab Musharruff Hossain, Khan Bahadur, M.L.A.

(9) The Hon'ble Mr. Syed Nausher Ali, M.L.A.

(10) The Hon'ble Mr. Prasanna Deb Raikat, M.L.A.

(11) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

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B. G. Press—1938-39—8657A—750.